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**PLANNING COMMISSION**  
**MEETING NOTICE AND AGENDA**

**Tuesday, July 1, 2008 - 7:00 p.m.**

Rockledge City Hall, 1600 Huntington Lane, Rockledge Florida 32955

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***EVERY PERSON ADDRESSING THE PLANNING COMMISSION  
MUST COMPLETE A SPEAKER'S CARD***

The cards are located near the door of the Council Chamber.  
Completed cards are to be given to the Recording Secretary  
before the meeting convenes or prior to the introduction of a particular agenda item.

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1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. APPROVAL OF MINUTES & ATTENDANCE RECORD  
Meeting of June 3rd, 2008
4. PUBLIC HEARINGS
  - A. Zoning District Amendment #ZDA-08-13  
Owner: Dorothy Alexander  
Location: 923 Dove Ave
  - B. Zoning District Amendment #ZDA-08-14  
Owner: Community Bank of the South  
Location: 1902 Fiske Blvd
5. SITE PLANS
6. UNFINISHED BUSINESS
7. NEW BUSINESS
  - A. Compatibility and Consistency Review, Ordinance No. 1488-2008,  
Planning Districts 4 and 8)
8. ADJOURN



ANY PERSON WHO DESIRES TO APPEAL ANY DECISION MADE BY THE  
ROCKLEDGE PLANNING COMMISSION WILL NEED TO ENSURE  
THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE,  
WHICH RECORD INCLUDES TESTIMONY AND EVIDENCE  
UPON WHICH THE APPEAL IS TO BE BASED.

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## ROCKLEDGE PLANNING COMMISSION MEETING MINUTES

Tuesday, June 3, 2008 - 7:00 p.m.

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### 1. CALL TO ORDER

The Rockledge Planning Commission met on June 3, 2008, at 7:00 p.m. in the Council Chamber at Rockledge City Hall, 1600 Huntington Lane, Rockledge, Florida.

MEMBERS PRESENT: Paul Grossman, Chairman  
Mary Jo Bray, Vice Chairman  
Keith Brockhouse  
Dave Copp  
Ed Newell  
Pat O'Neill  
Kimberly Prosser  
Troy Rice  
Michelle Doyle, Non-voting School Board Representative

MEMBERS ABSENT: Bob Barrett (excused)

STAFF PRESENT: Don Griffin, City Planning Director  
Alix Townsend, Planning Intern  
Maddie Curtis, Recording Secretary

With a quorum present, the meeting was called to order by Paul Grossman, Chairman.

### 2. PLEDGE OF ALLEGIANCE

### 3. APPROVAL OF MINUTES & ATTENDANCE RECORD

Meeting of May 6, 2008

Motion by Ed Newell to approve the Minutes and Attendance Record of the meeting of May 6, 2008. Seconded by Mary Jo Bray. All in favor. Motion carried.

### 4. PUBLIC HEARINGS

#### A. SE-08-04

Owner: Jean F. Reme

Agent: Richard J Kern

Location: 2855 Murrell Road

Alix Townsend, Planning Intern, stated this is a request for a special exception to Rockledge Land Development Regulation 83.50 to permit Older Adult Living Facility (OALF) at 2855 Murrell Road. The property is approximately 8.2 acres and has two zoning districts over it, R3 (Multifamily Dwelling, High Density) and C2 (General Commercial) Zoning Districts. A new ordinance was passed on April 16, 2008 that allows density to double for the OALF, depending on the zoning district, but in no case more than 25 units per acres. The current site allows 167 units, however the request is for 131 units.

The Public Hearing portion of the meeting was opened at 7:05 p.m. Those wishing to address the Board came forward and were sworn in.

Doug Robertson, 100 Parnell Street, Merritt Island, Florida, 32953 stated he is a land planner and discussed the changes in response to the concerns of the surrounding neighbors and reassured the Commission that the facility will be in compliance with all regulations that govern this type of facility (Section 83.50).

Jerry Kavan, 3911 Lowell Avenue, Lincoln, Nebraska, 68506 approached the Commission and stated that his company, Cameron General Contractors, and their sister company Hallie Management, who run the day to day operations, specializes in developing Senior Independent Living Facilities. Mr. Kavan described what their Senior Independent Living facilities offer in regards to room sizes, facility layout, amenities, concierge services and more. He also stated that this would be built, owned and managed by the same entity.

Matt Page, 973 Riviera Point Drive, Rockledge, Florida 32955, stated he is south of the location and is in favor of granting the Special Exception.

At this time the applicant noted that under 23.20(B)5(e) that they were submitting a binding site plan which would allow the surrounding neighborhood to place conditions on their project. (This is the same item noted in #5A which will be heard in separate action and forwarded to City Council).

Rick Kern, PE, 385 Pineda Court, Melbourne, Florida, 32940 came before the Commission and discussed site plan issues such as entrance location, what has been done based on comments and suggestions from neighborhood meetings, wetland conservation and mitigation, and landscape design.

Randy Stevenson, 820 Honeysuckle Drive, Rockledge, Florida, 32955 stated he is in favor of this project; however, he had concerns about a three story building along the north property line might be intrusive to the neighboring residence.

Dan Snyder, 827 Honeysuckle Drive, Rockledge, Florida, 32955 stated he is in favor of the facility, as it will help preserve the feel of the neighborhood. He then expressed his concern regarding the view out his back porch. He would like to see a view of wetlands and have a vegetative barrier instead of looking at a concrete wall and/or the dining area of the facility.

Public hearing was closed at 8:09 p.m.

Discussion followed.

**Motion by Pat O'Neill that the special exception is consistent with the Goals, Objectives and Policies of the Comprehensive Plan. Motion was seconded by Mary Jo Bray. All in favor. Motion carries.**

**Motion by Mary Jo Bray that the special exception is consistent with the intent of the Zoning District within which the special exception is sought. Motion was seconded by Ed Newell. All in favor. Motion carries.**

**Motion by Pat O'Neill that the special exception does not create any adverse impact to adjacent property through the creation of noise, light, vibrations, traffic, utility requirements, or stormwater runoff that would not have been created had the property been developed for a principal use permitted in the**

applicable zoning district. Motion was seconded by Mary Jo Bray. All in favor. Motion carries.

Motion by Ed Newell that the special exception will not create any unusual police, fire or emergency services requirements. Motion was seconded by Mary Jo Bray. All in favor. Motion carries.

Motion by Dave Copp that the special exception meets all the requirements of the zoning district in which it is located, such as lot requirements, building setback requirements, lot coverage, height, buffer yards, off-street parking, signs, storage, landscaping, etc. Second by Ed Newell. All in favor. Motion carries.

Motion by Troy Rice to approve SE-08-04 with the following modifications: that at the request of the property owners to the north the following items be incorporated into the site the binding site plan: lot 12, there will be no fencing/wall and that landscape will be used as a vegetative barrier wall, lot 13, there will be no fence/wall constructed and that a retaining wall will be used to preserve the oak trees that will create a vegetative barrier, lot 14 there is no vegetative barrier but a 6' masonry wall be constructed as a barrier. The applicant will revise part of the landscape design and they will work with St. John River Water Management District and the City to relocate the trees in the North West portion through the dry retention area to accommodate the owner of lot 12 and forward this recommendation to Board of Adjustment for their consideration on June 17, 2008. Motion was seconded by Ed Newell. All in favor. Motion carries.

Paul Grossman, Chairman, declared a 5 minute recess

#### B. Evaluation & Appraisal Report

Don Griffin, Planning Director, stated that 9 months ago the Evaluation and Appraisal Report process began and through the visioning process and the help of everyone, the process is almost complete. The proposed changes that were suggested by the Planning Commission and City Council have been incorporated and those changes had been mailed to commission members.

The Public Hearing before the Rockledge Local Planning Agency was opened and no one came forwarded and the Public Hearing was closed.

Discussion followed.

Page 16, under heading Drainage, last sentence should read: The City of Rockledge has adopted a retention standard which requires retention of the first inch of runoff,...

Motion by Mary Jo to approve the Evaluation & Appraisal Report with the correction to Page 16 as noted and forward this recommendation to City Council for their consideration. Motion was seconded by Ed Newell. All in favor. Motion carries.

### 5. SITE PLANS

#### A. Rockledge Independent Living Facility

Don Griffin, Planning Director, stated this is a proposed OALF on the Northwest corner of Murrell Road and Sabal Grove Drive (2855 Murrell Road). The proposed facility is

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for a 130 unit plus 1 complex staff unit. Staff comments must be addressed and all permits from the appropriate agencies shall be submitted prior to site plan approval.

Discussion followed regarding the properties that border on the North and what will be done for visual barriers, the use of tubs in the units, wetland mitigation, landscape requirements, parking areas, and the green spaces surrounding the parking areas.

**Motion by Troy Rice to approve Rockledge Independent Living Facility site plan with the following modifications: that at the request of the property owners to the north the following items be incorporated into the site the binding site plan: lot 12, there will be no fencing/wall and that landscape will be used as a vegetative barrier wall, lot 13, there will be no fence/wall constructed and that a retaining wall will be used to preserve the oak trees that will create a vegetative barrier, lot 14 there is no vegetative barrier but a 6' masonry wall be constructed as a barrier. The applicant will revise part of the landscape design and they will work with Saint John River Water Management District and the City to relocate the trees in the North West portion through the dry retention area to accommodate the owner of lot 12 and forward this recommendation to City Council for their consideration. Motion was seconded by Kim Prosser. All in favor. Motion carries**

6. UNFINISHED BUSINESS

None

7. NEW BUSINESS

None

8. ADJOURN

There being no further business, the meeting was adjourned at 8:35 p.m.

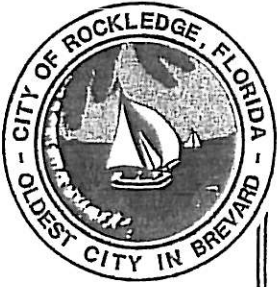
Submitted by:

\_\_\_\_\_  
Recording Secretary

Approved by:

\_\_\_\_\_  
Planning Commission Chairman

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# CITY OF ROCKLEDGE

## NOTICE OF PUBLIC HEARING CHANGE OF ZONING CLASSIFICATION

Notice is hereby given by the City of Rockledge, Florida, that **Dorothy J. Alexander**, property owner, through her agent, **John Brower**, 327 Magnolia Avenue, Merritt Island, Florida, 32952, has requested a change of zoning classification pursuant to the Rockledge Code of Ordinances, Land Development Regulations, from the MH (Mobile Home) District to the RMU (Redevelopment Mixed Use) District within Planning District 5 of the City of Rockledge, on property located at **923 Dove Avenue**, Rockledge, Florida 32955.

The City of Rockledge Planning Commission will meet in the Council Chamber at Rockledge City Hall, Rockledge, Florida, on **Tuesday, July 1, 2008**, at 7:00 p.m., to consider the request and make its recommendations to the City Council. At that time, parties in interest and citizens shall have the opportunity to be heard.

A public hearing will be held in the Council Chamber at Rockledge City Hall, 1600 Huntington Lane, Rockledge, Florida, on **Wednesday, July 16, 2008**, at 6:30 p.m., or as soon thereafter as possible, at which time parties in interest and citizens shall have the opportunity to be heard.

ALL PERSONS AND PARTIES ARE HEREBY ADVISED THAT IF THEY SHOULD DECIDE TO APPEAL ANY DECISION MADE BY THE PLANNING COMMISSION OR THE CITY COUNCIL OF THE CITY OF ROCKLEDGE WITH RESPECT TO ANY MATTER CONSIDERED AT THE PUBLIC MEETINGS OR HEARINGS DESCRIBED IN THIS NOTICE, THEY WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE, SAID PERSON OR PARTY MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

CITY OF ROCKLEDGE

*Betsy Beatty Moist*  
Betsy Beatty Moist  
City Clerk

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### CITY HALL

1600 Huntington Lane  
Rockledge, FL 32955  
Telephone: 321-690-3978  
Fax: 321-690-3987

### BUILDING DIVISION

1600 Huntington Lane  
Rockledge, FL 32955  
Telephone: 321-690-3984  
Fax: 321-690-6481

### FIRE & EMERGENCY SERVICES DEPT.

1800 Rockledge Blvd.  
Rockledge, FL 32955  
Telephone: 321-690-3968  
Fax: 321-634-3592

### POLICE DEPT.

123 Barton Boulevard  
Rockledge, FL 32955  
Telephone: 321-690-3988  
Fax: 321-690-3996

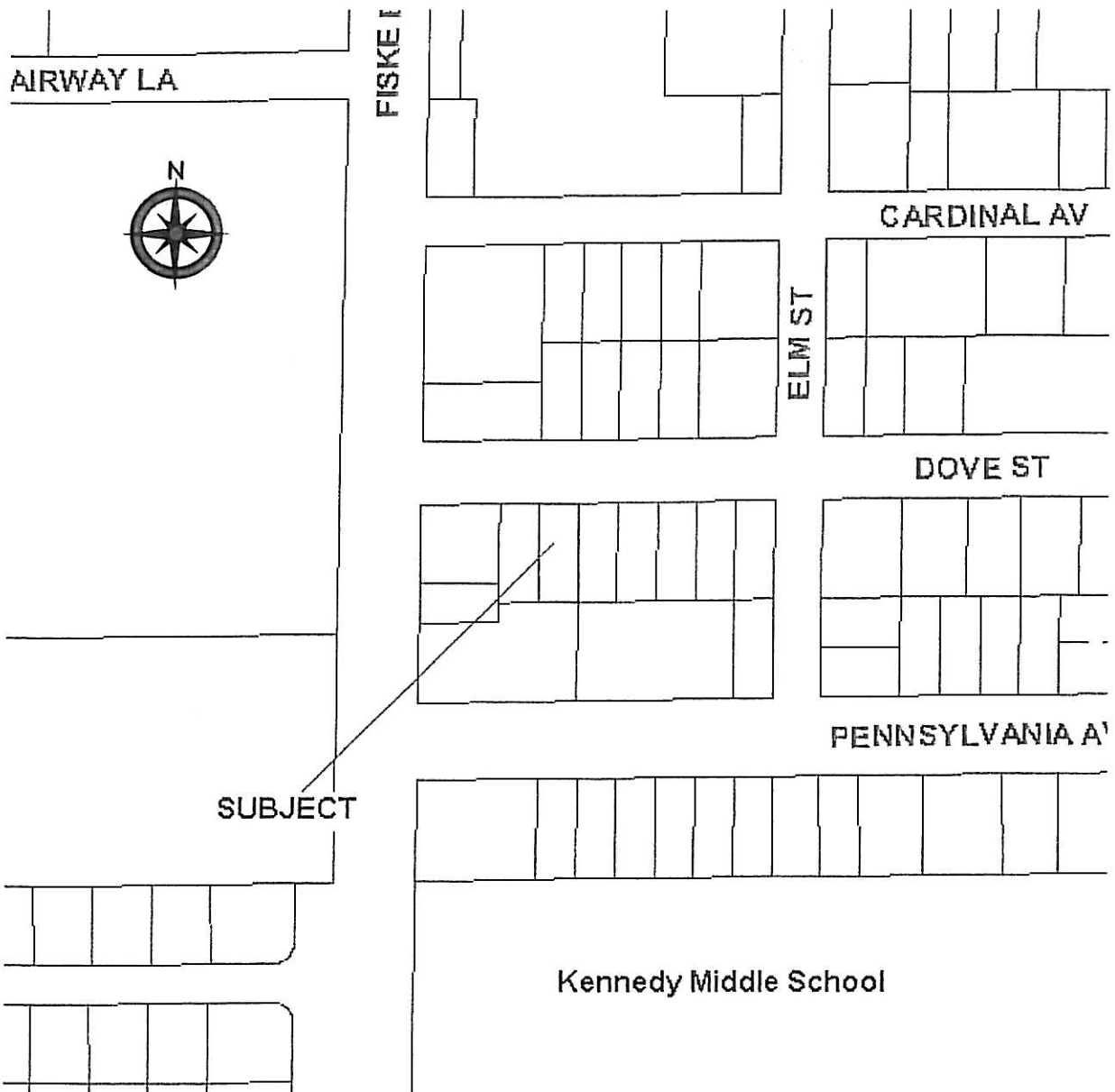
### PUBLIC WORKS DEPT.

1400 N. Garden Road  
Rockledge, FL 32955  
Telephone: 321-690-3961  
Fax: 321-690-3965

### WASTEWATER TREAT- MENT & WATER

### RECLAMATION DEPT.

1700 Jack Oates Blvd.  
Rockledge, FL 32955  
Telephone: 321-690-3975  
Fax: 321-690-3998





City of Rockledge

ZDA

**APPLICATION FOR ZONING DISTRICT AMENDMENT**

(Please type or print clearly in blue or black ink)

To be completed by City Staff:

Application No. ZDA-08-13

Date Submitted: 4-24-08

**Section 1. APPLICANT / PROPERTY OWNER(S) / AGENT INFORMATION:**

Name of Property Owner(s) Dorothy Alexander  
 Residence Address 923 DOVE AVENUE  
 City, State, Zip ROCKLEDGE FL 32955  
 Mailing Address /  
 City, State, Zip /  
 Telephone Number 321-264-7297 Fax No. —  
 Email Address —

Name of Agent, if any JOHN BROWER  
 Mailing Address 327 MAGNOLIA AVE  
 City, State, Zip MERRITT ISLAND FL 32952  
 Telephone Number 321-453-4883 Fax No. 321-453-4115  
 Email Address JOHNBROW@AOL.COM

**Section 2. PROPERTY INFORMATION:**

Physical Address of Property 923 DOVE AVE ROCKLEDGE  
 or, if not available, provide a general location (Example: NW corner of "A" and "B" Streets)

Legal Description of Property: Lot: 2 Block: 13 PB/PG: 5-95  
 Subdivision: —

or TOWNSHIP: — RANGE: — SECTION: — PARCEL #: —

Parcel ID No. (assigned by Brevard County): 25-36-08-1M-00013-0-0002.00

**Section 3. CURRENT ZONING CLASSIFICATION:**

Identify the current Zoning Classification established by the City of Rockledge. If the current classification is established by Brevard County, identify that designation, along with any special classification with specified conditions or conditional use, and provide a Brevard County Zoning Map and copy of appropriate section of Brevard County Zoning Code.

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Section 4. REQUESTED ZONING CLASSIFICATION (e.g. P1 Professional).REDEVELOPMENT Mixed UseSection 5. PLANNING DISTRICT AND LAND USE CATEGORY.

Identify the Planning District in which this property is located and describe how this request is compatible with the land use shown on the Future Land Use Map (FLUM).

Planning District 5, RMU.Section 6. SIGNATURES OF OWNERS AND/OR AGENTS:

Sign Name (Property Owner):

Dorothy Alexander

Print Name (Property Owner):

Dorothy Alexander

Sign Name (Property Owner):

Print Name (Property Owner):

Sign Name (Agent):

John Brown

Print Name (Agent):

JOHN BROWNSection 7. ATTACHMENTS AND EXHIBITS.

The following documents must be included when submitting the application package:

As to Section 1.

☒ A copy of the recorded deed or other legal instrument indicating proof of ownership

- If an agent is listed, a notarized letter or statement of authorization from the property owner(s) authorizing the agent to represent the owner(s) in connection with this application, OR a recorded Power of Attorney, Personal Representative Deed, Trustee Agreement, etc., in the agent's name.

As to Section 2.

☒ Legal description of the property. If described in metes and bounds, provide the description in hard copy and electronic format (Microsoft Word is preferred).

- Brevard County Property Appraiser's Map reflecting the boundaries of the subject property and indicating properties within a five hundred foot (500') radius of the subject property. The map must be scaled at 1"=200'.

- A list of the names and addresses of all property owners within the 500' radius of the subject property. The list must correlate numerically with the map.
- Mailing labels containing the names and addresses of those property owners within the 500' radius of the subject property, as in the previous item.

As to Application.

- Completed Development Fact Sheet provided with the Application Form
- A check in the amount of \$500.00 payable to the City of Rockledge. This amount represents the filing fee associated with the request, and includes the cost of legal advertising, document recording, etc. In the event that the costs exceed the fee amount, the applicant will be responsible to pay the difference.

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DEVELOPMENT FACT SHEET

APPLICANT / OWNER NAME: DOROTHY ALEXANDER

ZDA Application Number assigned by City Staff: \_\_\_\_\_

Section 1. PROPERTY INFORMATION.

Physical Address of Property 923 DOVE AVE ROCKLEDGE FL 32055

or, if not available, provide a general location (e.g., NW corner of "A" and "B" Streets)

Size of Property in Acreage 0.14 ACRE

Section 2. REQUESTED ZONING CLASSIFICATION (e.g., P1 Professional)

REDEVELOPMENT MIXED USE

Section 3. CURRENT ZONING AND LAND USE DESIGNATIONS.

ZONING:

Subject Site MH  
North MH  
South P1  
East MH  
West MH

LAND USE (shown on Future Land Use Map)

Subject Site \_\_\_\_\_  
North \_\_\_\_\_  
South \_\_\_\_\_  
East \_\_\_\_\_  
West \_\_\_\_\_

Section 4. NATURAL FEATURES.

Soil \_\_\_\_\_  
Topography \_\_\_\_\_  
Vegetation \_\_\_\_\_  
Flood Hazard \_\_\_\_\_  
Drainage \_\_\_\_\_

Section 5. ENVIRONMENTAL QUALITY.

Water \_\_\_\_\_  
Air \_\_\_\_\_  
Noise \_\_\_\_\_  
Historical/Archaeological \_\_\_\_\_

Section 6. ATTACHMENTS/EXHIBITS TO DEVELOPMENT FACT SHEET.

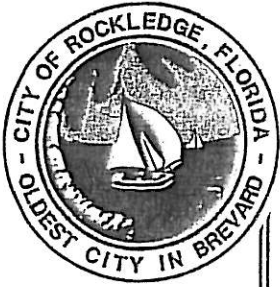
To be determined by City Staff

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### NOTICES TO APPLICANT

- Your application will not be processed unless it is complete and all attachments and exhibits are included.
- Once it has been determined that your application is complete, processing will begin and the required public hearing(s) will be scheduled for the first available opportunity.
- Please be aware that you, as applicant, owner, agent, or as an interested party, are prohibited from contacting individually any of the members of the Planning Commission either by telephone, in person, or in writing (including electronic mail).
- You will have the opportunity to provide input in open forum during the scheduled public hearing(s).
- All public hearings are conducted in accordance with the State of Florida Open Meetings Laws / Government in the Sunshine.

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# CITY OF ROCKLEDGE

## NOTICE OF PUBLIC HEARING CHANGE OF ZONING CLASSIFICATION

Notice is hereby given by the City of Rockledge, Florida, that **William T. Taylor, President/CEO, Community Bank of the South**, property owner, 277 N. Sykes Creek Parkway, Merritt Island, Florida 32953, has requested a change of zoning classification pursuant to the Rockledge Code of Ordinances, Land Development Regulations, from the P1 (Professional) District and the MH (Mobile Home) District to the RMU (Redevelopment Mixed Use) District within Planning District 5 of the City of Rockledge, on property located at **1902 Fiske Boulevard**, Rockledge, Florida 32955.

The City of Rockledge Planning Commission will meet in the Council Chamber at Rockledge City Hall, Rockledge, Florida, on **Tuesday, July 1, 2008**, at 7:00 p.m., to consider the request and make its recommendations to the City Council. At that time, parties in interest and citizens shall have the opportunity to be heard.

A public hearing will be held in the Council Chamber at Rockledge City Hall, 1600 Huntington Lane, Rockledge, Florida, on **Wednesday, July 16, 2008**, at 6:30 p.m., or as soon thereafter as possible, at which time parties in interest and citizens shall have the opportunity to be heard.

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CITY OF ROCKLEDGE  
  
Betsi Beatty Moulst  
City Clerk

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### CITY HALL

1600 Huntington Lane  
Rockledge, FL 32955  
Telephone: 321-690-3978  
Fax: 321-690-3987

### BUILDING DIVISION

1600 Huntington Lane  
Rockledge, FL 32955  
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1800 Rockledge Blvd.  
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### POLICE DEPT.

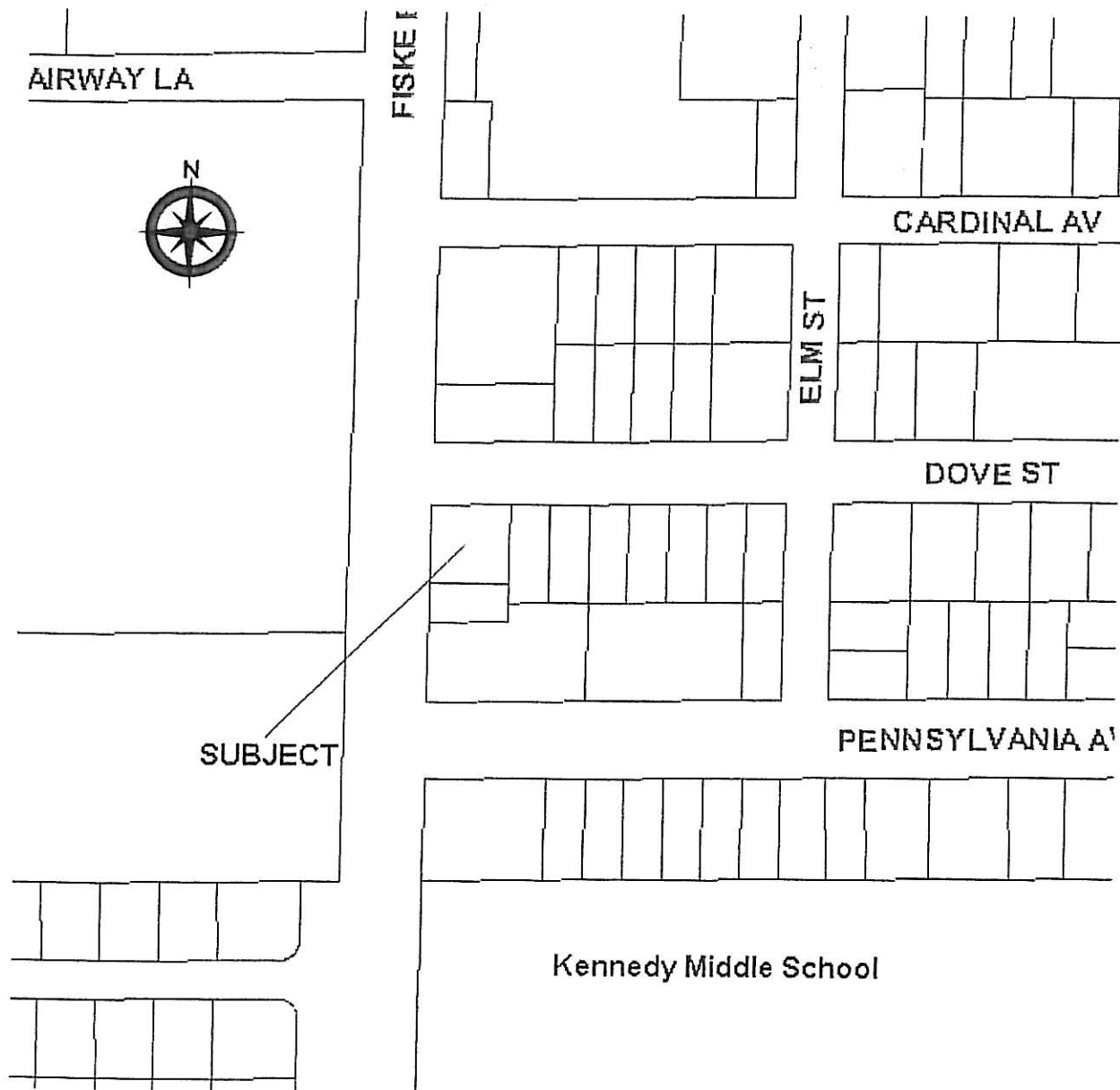
123 Barton Boulevard  
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Fax: 321-690-3996

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RECLAMATION DEPT.  
1700 Jack Oates Blvd.  
Rockledge, FL 32955  
Telephone: 321-690-3975  
Fax: 321-690-3998





City of Rockledge

ZDA

**APPLICATION FOR ZONING DISTRICT AMENDMENT**

(Please type or print clearly in blue or black ink)

To be completed by City Staff:

Application No. ZDA- 08-14

Date Submitted: 5-14-08

**Section 1. APPLICANT / PROPERTY OWNER(S) / AGENT INFORMATION:**

Name of Property Owner(s) COMMUNITY BANK OF THE SOUTH  
Residence Address 1902 FISKE BLVD.  
City, State, Zip ROCKLEDGE FL 32955  
Mailing Address SAME  
City, State, Zip \_\_\_\_\_  
Telephone Number 321-452-0420 Fax No. \_\_\_\_\_  
Email Address \_\_\_\_\_

Name of Agent, if any \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
City, State, Zip \_\_\_\_\_  
Telephone Number \_\_\_\_\_ Fax No. \_\_\_\_\_  
Email Address \_\_\_\_\_

**Section 2. PROPERTY INFORMATION:**

Physical Address of Property 1902 FISKE BLVD. ROCKLEDGE FL 32955  
or, if not available, provide a general location (Example: NW corner of "A" and "B" Streets)  
\_\_\_\_\_  
\_\_\_\_\_

Legal Description of Property: Lot: 1,19,20 Block: 13 PB/PG: 5/95  
Subdivision: \_\_\_\_\_  
or TOWNSHIP: 25 RANGE: 36 SECTION: 08 PARCEL #: \_\_\_\_\_  
Parcel ID No. (assigned by Brevard County): \_\_\_\_\_

**Section 3. CURRENT ZONING CLASSIFICATION:**

Identify the current Zoning Classification established by the City of Rockledge. If the current classification is established by Brevard County, identify that designation, along with any special classification with specified conditions or conditional use, and provide a Brevard County Zoning Map and copy of appropriate section of Brevard County Zoning Code.

D1 / M4  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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Section 4. REQUESTED ZONING CLASSIFICATION (e.g. P1 Professional).

REDEVELOPMENT MIXED USE

Section 5. PLANNING DISTRICT AND LAND USE CATEGORY.

Identify the Planning District in which this property is located and describe how this request is compatible with the land use shown on the Future Land Use Map (FLUM).

Planning District 5

Redevelopment Mixed USE

Section 6. SIGNATURES OF OWNERS AND/OR AGENTS:

Sign Name (Property Owner):

Print Name (Property Owner):

William T. Taylor Pres/CEO

Sign Name (Property Owner):

Print Name (Property Owner):

Sign Name (Agent):

Print Name (Agent):

Section 7. ATTACHMENTS AND EXHIBITS.

The following documents must be included when submitting the application package:

As to Section 1.

- ✓ A copy of the recorded deed or other legal instrument indicating proof of ownership
- If an agent is listed, a notarized letter or statement of authorization from the property owner(s) authorizing the agent to represent the owner(s) in connection with this application, OR a recorded Power of Attorney, Personal Representative Deed, Trustee Agreement, etc., in the agent's name.

As to Section 2.

- ✓ Legal description of the property. If described in metes and bounds, provide the description in hard copy and electronic format (Microsoft Word is preferred).
- ✓ Brevard County Property Appraiser's Map reflecting the boundaries of the subject property and indicating properties within a five hundred foot (500') radius of the subject property. The map must be scaled at 1"=200'.
- ✓ A list of the names and addresses of all property owners within the 500' radius of the subject property. The list must correlate numerically with the map.
- ✓ Mailing labels containing the names and addresses of those property owners within the 500' radius of the subject property, as in the previous item.

As to Application.

- ✓ Completed Development Fact Sheet provided with the Application Form
- A check in the amount of \$500.00 payable to the City of Rockledge. This amount represents the filing fee associated with the request, and includes the cost of legal advertising, document recording, etc. In the event that the costs exceed the fee amount, the applicant will be responsible to pay the difference.

DEVELOPMENT FACT SHEET

APPLICANT / OWNER NAME: COMMUNITY BANK OF THE SOUTH  
ZDA Application Number assigned by City Staff: \_\_\_\_\_

Section 1. PROPERTY INFORMATION.

Physical Address of Property 1902 FISKE BLVD. ROCKLEDGE FL 32955  
or, if not available, provide a general location (e.g., NW corner of "A" and "B" Streets)  
\_\_\_\_\_  
\_\_\_\_\_

Size of Property in Acreage ~~37~~ . 49

Section 2. REQUESTED ZONING CLASSIFICATION (e.g., P1 Professional)

REDEVELOPMENT MIXED USE

Section 3. CURRENT ZONING AND LAND USE DESIGNATIONS.

ZONING:

Subject Site P1 / MH  
North P1  
South P1  
East MH  
West FISKE BLVD

LAND USE (shown on Future Land Use Map)

Subject Site \_\_\_\_\_  
North \_\_\_\_\_  
South \_\_\_\_\_  
East \_\_\_\_\_  
West \_\_\_\_\_

Section 4. NATURAL FEATURES.

Soil Developed  
Topography \_\_\_\_\_  
Vegetation \_\_\_\_\_  
Flood Hazard \_\_\_\_\_  
Drainage \_\_\_\_\_

Section 5. ENVIRONMENTAL QUALITY.

Water Developed.  
Air \_\_\_\_\_  
Noise \_\_\_\_\_  
Historical/Archaeological \_\_\_\_\_

Section 6. ATTACHMENTS/EXHIBITS TO DEVELOPMENT FACT SHEET.

To be determined by City Staff

### NOTICES TO APPLICANT

- Your application will not be processed unless it is complete and all attachments and exhibits are included.
- Once it has been determined that your application is complete, processing will begin and the required public hearing(s) will be scheduled for the first available opportunity.
- Please be aware that you, as applicant, owner, agent, or as an interested party, are prohibited from contacting individually any of the members of the Planning Commission either by telephone, in person, or in writing (including electronic mail).
- You will have the opportunity to provide input in open forum during the scheduled public hearing(s).
- All public hearings are conducted in accordance with the State of Florida Open Meetings Laws / Government in the Sunshine.

**00017**

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**CITIZENS ADVISORY COMMITTEE  
MEETING MINUTES**

**Monday, June 16, 2008 - 7:00 p.m.**

-----

1. CALL TO ORDER

The Rockledge Citizens Advisory Committee met on Monday, June 16, 2008, at 7:00 p.m. in the Council Chamber at Rockledge City Hall, 1600 Huntington Lane, Rockledge, Florida.

MEMBERS PRESENT: Robert Deem, Carol Laymance, Janeann Lyons,  
Dora Anne Thompson, and Patricia Trawick

STAFF PRESENT: Don R. Griffin, Planning Director, Alix Townsend,  
Planning Intern and Margaret L. Daly, Recording  
Secretary.

With a quorum present, the meeting was called to order by Chairman Laymance.

2. APPROVAL OF MINUTES

- Meeting of May 19, 2008

**By motion of Robert Deem, seconded by Patricia Trawick, the minutes and the attendance record of the regular meeting of May 19, 2008 were approved as individually read. Motion passed unanimously.**

A. Attendance Record

See Approval of Minutes.

3. PUBLIC HEARINGS

None.

4. OLD BUSINESS

- A. Review: Compatibility and Consistency Review  
(Planning District 4 and Planning District 8)

Planning Director Griffin reviewed proposed compatibility guidelines/standards in addition to matrixes provided addressing floor area ratios, intensity/density limits; zoning regulations and land use compatibility in certain documents (Land Development Regulations, Comprehensive Plan, City of Rockledge Zoning Ordinance), which were provided to the members in their agenda packets. Planning Director Griffin then asked for questions from the Committee. An inquiry was made as to what the Committee has been instructed to do. Planning Director Griffin informed the members that they are to make recommendations to the Planning Commission, which will be forwarded to the City Council concerning the subject matter. Ultimately the goal will be to provide a proposed definition of severe

compatibility and attempt to ensure that consistency tests are cleared defined which would allow the City to establish buffering regulations between differing uses. The floor was then open to comments from the audience.

**Bill Young, 405 Holman Road, Cape Canaveral, Florida**, appeared before the Committee to read a letter that he requested be made a part of the minutes. He reiterated that he feels affordable housing is desperately needed in the City.

**Todd Peetz, Miller Legg, 631 S. Orlando Avenue, Winter Park, Florida 32789**, (representing Rockledge Villas and some concerned citizens) made a Powerpoint presentation to the Committee. Indications were that he felt the written document that would be submitted to the Committee was easily readable, whereas the staff recommendations, although commendable, would require additional work in the future before being implemented.

**Kendall Moore, Johnson Law Center, 1290 Federal Highway, Rockledge, Florida 32955** appeared before the Committee representing the interests of the owners of Rockledge Villas. Mr. Moore felt that he needed to clarify a misconception the Committee might be under, he advised the Committee that it was here to make a recommendation to the Planning Commission based upon a question that has come down from the City Council. He indicated this question has nothing to do with a specific piece of property; it has to do with being able to clearly define what a property owner can and can not do with their available property as dictated by the Comprehensive Plan. He indicated that clarification needed to be determined as to where the words "shall", "must", "or be encouraged", should be used within the document under Planning District 4 and Planning District 8, in the Rockledge Comprehensive Plan. At this time in the meeting, he provided written copies of the material covered by the Powerpoint presentation made by Mr. Peetz.

**Mike Minot, 319 Riveredge Boulevard, Cocoa, Florida 32922 (representing concerned citizens in the area)** discussed and reviewed the document previously discussed by Mr. Peetz and Mr. Moore. He suggested that he, Mr. Peetz and Mr. Moore have suggested what they believe to be the minimum number of text changes in the Comprehensive Plan.

Some concerns voiced by Committee members were: Existing density and proposed density requirements, height requirements/restrictions, and existing densities in abutting county property and newly annexed properties.

**By motion of Jacob Roland, seconded by Robert Deem, the Committee moved to recommend the following text changes to the Planning Commission for Planning District 4 North/West Fiske Area, Item 4, City of Rockledge Comprehensive Plan: Change third sentence to read: All newly annexed undeveloped areas west of Fiske Boulevard shall be developed at a maximum of three (3) units per acre in order to protect the natural character of the land; except that the max allowable density shall be fourteen (14) multi-family dwelling units per acre for the following described property located in Planning District 4: . Motion passed unanimously.**

The ability to rebuild structures after natural disasters back to their existing zoning/comp plan uses was discussed, along with the definition of compatibility and severe compatibility.

**By motion of Patricia Trawick, seconded by Jacob Roland, the Committee moved to recommend the following to the Planning Commission: Recommend the compatibility and mitigations guidelines as proposed by staff, to be updated into the City of Rockledge Comprehensive Plan, separate it as procedures and background material as well as strict language for the ordinance.**

The chairman called for any additional recommendations.

**By motion of Jacob Roland, seconded by Robert Deem, the Committee moved to recommend the following to the Planning Commission: Act upon forwarded staff recommendations and come up with a clearer definition of severe compatibility; and a more streamlined procedure to determine severe compatibility, which can be used in the future. Motion passed unanimously.**

**By motion of Jacob Roland, seconded by Patricia Trawick, the Committee moved to recommend forwarding information received by this Committee from Todd Peetz (Miller Legg), Kendall Moore (Johnson Law Center) and Mike Minot (Attorney) to the Planning Commission for its use. Motion carried unanimously.**

5. NEW BUSINESS

None.

6. ADJOURN

There being no further business to come before the Committee, the meeting adjourned at 8:03 a.m.

Submitted by:

Margaret L. Daly  
Recording Secretary

Approved by:

Chairman  
Citizens Advisory Committee

00020

To: Citizen Advisory Committee:

Subject: Compatibility issues for property west of Fiske Blvd.

Dear members,

The Rockledge City Council took action on March 19, 2008 and passed an emergency ordinance 1488-2088, which placed a temporary moratorium on developments having densities higher than 3 units per acre. The City Council wants to ensure that severe compatibility and consistency tests are clearly defined and with that definition the city establish buffering regulations between differing uses.

Staff has included the following information for your review:

1. Ordinance 1488-2008
2. Criteria for Planning Districts 4 and 8
3. Intensity/Density limits for the City of Rockledge
4. Information from Lawandales Planning Affiliates, city's consultant
5. Definitions from Webster's dictionary
6. Review of possible compatibility issues
7. Review of compatibility comparisons
8. A proposal from staff on the use of additional landscaping for setback and shielding purposes
9. Current law for buffering standards 81.35 LDR's
10. List of developments for properties west of Fiske Blvd.
11. Density map of those projects in Planning District 4
12. Property rights information "Bert Harris property rights protection Act"
13. Article from the Urban Land Institute on mixed housing
14. A proposal from Miller Legg, consultants for Mike Minot and Kendall Moore, amending the text for Planning District 4. (This is not a submittal from the City of Rockledge)

All projects (single-family, multi-family, commercial, and industrial) are required to go through a concurrency review, which ensures there are sufficient capacity reservations for services (recreation, transportation, portable water, and sewer).

Should you have any questions please call Don Griffin @ 690-3978.

ORDINANCE NO. 1488 - 2008

AN ORDINANCE OF THE CITY OF ROCKLEDGE, BREVARD COUNTY, FLORIDA, ENACTING A TEMPORARY MORATORIUM AS TO THE ACCEPTANCE, REVIEW AND PROCESSING OF DEVELOPMENT ORDERS OF ANY TYPE, FOR PROPERTY LOCATED WEST OF FISKE BOULEVARD WITHIN PLANNING DISTRICTS 4 AND 8; SAID TEMPORARY MORATORIUM TO LAST NO LONGER THAN 120 DAYS UNLESS EXTENDED BY ADDITIONAL ORDINANCE; DECLARING THAT INVALIDITY OF ANY PORTION HEREOF SHALL NOT AFFECT THE REMAINING PORTIONS OF THIS ORDINANCE; PROVIDING FOR THE EFFECTIVE DATE HEREOF AND FOR OTHER PURPOSES.

**WHEREAS**, the City Council of Rockledge has noted the development of multi-family residential units within Planning Districts 4 and 8 on the properties located west of Fiske Boulevard and the consequential growing demands upon City services; and

**WHEREAS**, the Comprehensive Plan for Rockledge directs that the character for the properties located west of Fiske Boulevard within Planning District 4 should generally have a single family character and that deviations therefrom requires the application of a "severe compatibility and consistency test"; and

**WHEREAS**, the incorporated numerous changes to its land development regulations over the years which impact multi-family residential development within the City, a comprehensive review of the impacts upon Planning Districts 4 and 8 west of Fiske Boulevard to study townhouse and multifamily development on transportation, public safety, adequacy of public facilities, recreation and open space, the accessibility for emergency and

public service vehicular traffic, adequacy of drainage facilities, impact of available water and wastewater facilities, and to clearly define the "severe compatibility and consistency test" called for by the City's Comprehensive Plan; and

**WHEREAS**, the City requires time to review, consider, modify, process for adoption, and implement regulations pertaining to the referenced planning districts west of Fiske Boulevard, and to evaluate the extent that the existing zoning regulations are effectively implementing the comprehensive plan; and

**WHEREAS**, the only method available to conduct the necessary review and implementation process requires a period of no development greater than 3 units per acre with Planning Districts 4 and 8 west of Fiske Boulevard.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKLEDGE, FLORIDA, AS FOLLOWS:**

**SECTION 1.** That the City shall temporarily cease accepting applications and/or the processing of new development orders requesting development greater than 3 unit per acre for property located in Planning Districts 4 and 8 west of Fiske Boulevard for a period of 120 days.

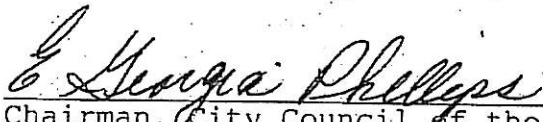
**SECTION 2.** The temporary moratorium may be extended beyond the 120 day period, upon report of staff that additional time is necessary to meet the Council's directions and the Council's approved of an additional period to maintain the status quo.

Extensions may be given by the Council as needed.

**SECTION 3.** The provisions of this Ordinance are severable, and if any section, sentence, clause, or phrase hereof is for any reason held to be unconstitutional, invalid, or ineffective, such holding shall not affect the validity of the remaining portions of this Ordinance, it being expressly declared to be the City Council's intent that it would have passed the valid portions of this Ordinance without the inclusion therein of any invalid portion or portions.

**SECTION 4.** This Ordinance shall become effective ten (10) days following its adoption and signed by the Chairman of the City Council.

**ADOPTED AS AN EMERGENCY ORDINANCE** at a regular meeting of the City Council of the City of Rockledge, Florida, this 19th day of March, 2008.

  
Chairman, City Council of the  
City of Rockledge, Florida

ATTEST:

  
City Clerk

**PLANNING DISTRICT 4.**  
**NORTH/WEST FISKE AREA**

Area objective.

To maintain and improve this area as a low and medium density residential area and insure that future development will not substantially alter or depreciate the existing character of the area.

Type of land use.

1. Development within the district will be limited primarily to single-family detached dwellings and directly related land uses such as parks, schools, utilities, streets and other such activities whose primary purpose is to serve the residents of the district. Zoning districts that may be appropriate for this area after due consideration by the city include: PUD, RCE, R1, and R2.

2. Limited commercial, professional, and multi-family residential uses will be considered in appropriate locations based on severe compatibility and consistency tests. After due consideration by the city other zoning district shall be limited to existing use which range from R2A, R-3, P1, C1, C1A, and C2, which may be changed and approved only if consistent with, and compatible to the intent or criteria of this district.

3. The city shall undertake steps to develop through an interlocal agreement with Brevard County an urban reserve area which encompasses unincorporated areas adjacent to this district.

Density.

4. Maximum density allowed shall not exceed five (5) dwelling units per acre; current multi-family zoning districts shall be limited to existing densities. Any proposed zoning district changes shall be limited to a maximum of five (5) dwelling units per acre. Undeveloped areas west of Fiske Boulevard will be encouraged to be developed with a maximum of three (3) dwelling units per acre in order to protect the natural character of the land, except that the maximum allowable density shall be fourteen (14) multi-family dwelling units per acre for the following described property located in planning district 4:

*Parcel A:* A parcel of land lying in Section 5, Township 25 South, Range 36 East, Brevard County, Florida, being more particularly described as follows: Commence at the Southwest corner of said Section 5, and run North 00°21'30" East, along the West line of said Section, a distance of 315.07 feet to the Northwest corner of ROCKLEDGE COUNTRY CLUB ESTATES, SECTION TWO, as recorded in Plant Book 25, Page 101, of the public records of Brevard County, Florida; thence North 89°21'44" East, along the North line of said subdivision, a distance of 115.02 feet; thence North 00°32'30" East, parallel with said West line of Section 5, a distance of 778.78 feet; then North 89°30'28" East, a distance of 13.37 feet; thence North 20°29'32" West, a distance of 92.95 feet; then South 89°30'28" West, a distance of 130.85 feet; thence North 00°29'32" West, a distance 92.95 feet; thence South 89°30'28" West, a distance of 159.77 feet to a point on the aforesaid East right-of-way line of Clearlake Road; thence South 00°32'32" West, along said right-of-way line, a distance of 1261.41 feet to the Point of Beginning.

*Parcel B:* A parcel of land lying in Section 5, Township 25 South, Range 36 East, Brevard County, Florida, more fully described as follows: Commence at the Southwest corner of said Section 5; thence North 00°32'30" East, along the West line of said Section 5, a distance of 1379.53 feet to a point on the North line of the Southwest 1/4 of the Southwest 1/4 of said Section 5; thence North 89°30'28" East, along said North line of the Southwest 1/4 of the Southwest 1/4, a distance of 219.56 feet to the Point of Beginning of this description; thence North 00°29'32" West, a distance of 197.27 feet; thence North 89°30'20" East, parallel with said North line of the Southwest 1/4 of the Southwest 1/4, a distance of 224.00 feet; thence South 00°29'32" West, parallel with said North line of the Southwest 1/4 of the Southwest 1/4, a distance of 110.00 feet; thence South 00°29'32" East, a distance of 85.27 feet to an intersection with said North line of the Southwest 1/4 of the Southwest 1/4 of Section 5; thence South

89°30'28" West, along said North line of the Southwest 1/4 of the Southwest 1/4 of said Section 5, a distance of 114.00 feet to the Point of Beginning of this description.

#### Compatibility.

5. Scale, materials, building orientation, signing, landscaping, detailing, and other physical features that are compatible with the intent to maintain the residential character of this district shall be incorporated in any new development.

6. Adequate vegetation constructed (fences, walls, berms, etc.) buffers and/or open space will be used between different land uses. Special features to accomplish appropriate compatibility of new development with existing development shall be required through the land development regulations when the need has been identified through the site plan review process.

7. Encourage neighborhood commercial development on the lots fronting on Poinsett Drive between Fiske Boulevard and Howard Street.

#### Transportation.

8. The transportation system will be maintained in accordance with the policies contained in the traffic circulation element.

9. Provisions for pedestrian and bicycle improvements as addressed in the traffic circulation element will be incorporated into any new development.

10. Adequate access for sanitation, police, fire, and rescue vehicles will be provided by all new development.

#### Conservation.

11. The city shall undertake efforts to work with Brevard County, Department of Environmental Protection, Army Corp. of Engineers and St. Johns River Water Management District in preserving those wetland areas west of Fiske Boulevard.

#### Recreation and open space.

12. Consistent with policies of the open space and recreation element, the city shall make all efforts to combine all projects to incorporate passive or active recreational activities, whenever possible.

**PLANNING DISTRICT 8.**  
**CENTRAL ROCKLEDGE AREA**

**Area objective.**

To maintain and improve this area as a low and medium density residential area and insure that future development will not substantially alter or depreciate the existing character of the area.

**Type of land use.**

1. Development within the district will be limited primarily to single-family detached dwellings and directly related land uses such as parks, schools, utilities, streets and other such activities whose primary purpose is to serve the residents of the district. Zoning districts that may be appropriate for this area after due consideration by the city include: PUD, RCE, R1, and R2.

2. Limited commercial, professional, and multi-family residential uses will be considered in appropriate locations based on severe compatibility and consistency tests. After due consideration by the city other zoning district shall be limited to existing use which range from R2A, R-3, TH, P1, C1, to C2, which may be changed and approved only if consistent with, and compatible to the intent or criteria of this district.

3. The city shall undertake steps to develop through an interlocal agreement with Brevard County an urban reserve area which encompasses unincorporated areas adjacent to this district.

**Density.**

4. Maximum density allowed shall not exceed five (5) dwelling units per acre, current multi-family zoning districts shall be limited to existing densities. Any proposed zoning district changes shall be limited to a maximum of five (5) dwelling units per acre. Undeveloped areas west of Fiske Boulevard will be encouraged to be developed with a maximum of three (3) dwelling units per acre in order to protect the natural character of the land.

**Compatibility.**

5. Scale, materials, building orientation, signing, landscaping, detailing, and other physical features that are compatible with the intent to maintain the residential character of this district shall be incorporated in any new development.

6. Adequate vegetation constructed (fences, walls, berms, etc.) buffers and/or open space will be used between different land uses. Special features to accomplish appropriate compatibility of new development with existing development shall be required through the land development regulations when the need has been identified through the site plan review process.

7. Encourage the development of the land lying south of Levitt Park, east of Fiske Boulevard, and 630 feet or more west of Murrell Road as low and medium density residential areas utilizing the PUD provisions of the Zoning Code.

**Transportation.**

8. The transportation system will be maintained in accordance with the policies contained in the traffic circulation element.

9. Provisions for pedestrian and bicycle improvements as addressed in the traffic circulation element will be incorporated into any new development.

10. Adequate access for sanitation, police, fire, and rescue vehicles will be provided by all new development.

Conservation.

11. The city shall undertake efforts to work with Brevard County, Department of Environmental Protection, Army Corp. of Engineers and St. Johns River Water Management District in preserving those functional and viable wetland areas west of Fiske Boulevard.

Recreation and open space.

12. Consistent with policies of the open space and recreation element, the city shall make all efforts to combine all projects to incorporate passive or active recreational activities, whenever possible.

13. Consistent with policies of the open space and recreation element, a community park or larger sized park should be established and developed on properties adjacent to service this district and district 7.

# Comprehensive Plan definitions:

*Medium density residential.* Medium density residential land uses shall be at a density greater than three (3) dwelling units per acre and not exceeding fourteen (14) dwelling units per acre.

## FLOOR AREA RATIO INTENSITY/DENSITY LIMITS

### CITY OF ROCKLEDGE

Zoning Category	Min. lot size sq. ft.	Floor area ratio	Density d.u.a.	Coverage allowed %	Maximum height F.T.
RMU	0	.6 to 1 with bonus***	Up to 25 with bonus	80 to 100 with bonus	110 (with bonuses)
HCD	7,000	1.5	N.A.	90	75, with additional buffering from residential
RCE	43,560	N.A.	1	30	25
R-1	12,000	N.A.	3	30	25
R-2	7,500/10,000	N.A.	5	35	25
R-2A	7,500/10,000	N.A.	8	50	25
R-3	10,000	N.A.	14	50	40
T.H.	2,400	N.A.	10	50	25
M.H.	6,600	N.A.	6	35	20
RVP	435,600	N.A.	15	35	25
P.U.D.	435,600	N.A.	12	35	40
C-1	7,500	0.3	N.A.	80	45
C-1A	174,240	0.3	N.A.	80	75
C-2*	7,000	0.3	14	80	75
P-1	7,000	0.3	N.A.	80	35, 45 in Plan Dist. 3
M-1*	7,000	0.3	14	80	40
M-2*	7,000	0.3	14	80	40
IP	20,000	0.3	N.A.	80	35

## Introduction

The City of Rockledge is attempting to create a set of criteria to assist decision makers in measuring compatibility. This document provides a planning perspective from years of assessing development, drafting codes, and providing expert testimony in court and in hearings as to the whether projects are or can made to be compatible for both local governments and private sector developers. Compatibility is a "self-defining" term, meaning that it is a word that when you hear it or see it, you know what it is or is not. An extensive survey of the literature provides little specific direction on determining compatibility, so I created my own spreadsheet of characteristics and criteria that I look at when assessing or designing for compatibility. When you look at the definition, you can project the meanings symbolically on land use and zoning decisionmaking. From Webster's Dictionary, we can provide a basic definition:

**Com pat i ble:** \kəm-'pa-tə-bəl ; *adjective*

- 1: capable of existing together in harmony <compatible theories> <compatible people.
- 2: capable of cross-fertilizing freely or uniting vegetatively
- 3: capable of forming a homogeneous mixture that neither separates nor is altered by chemical interaction
- 4: capable of being used in transfusion or grafting without immunological reaction (as agglutination or tissue rejection)
- 5: designed to work with another device or system without modification; *especially* : being a computer designed to operate in the same manner and use the same software as another computer

Research of internet publications reveals a discussion of the issue of compatibility. Some of the results of that are found below:

"Secondly, the context of your question also suggests the ordinance *contains a mixture of objective standards, such as separation distances from specific uses and lighting standards, and more general standards, such as "nuisance, hazard, general welfare and reasonable compatibility. ..."* Separation distances, lighting standards, screening requirements, and interior design standards are objective standards that can be addressed through an administrative permitting process".

"Huntington Beach, California uses the following to determine whether a project or use is compatible with another:

- *Achieve development that maintains or improves the City's fiscal viability and reflects economic demands while maintaining and improving the quality of life for the current and future residents of Huntington Beach.*
- *Ensure that development is adequately served by transportation facilities, utility infrastructure, and public services.*

- *Achieve the logical, orderly, and beneficial expansion of the City's services and jurisdictional limits.*
- *Achieve and maintain a high quality of architecture, landscape, and public open spaces in the City.*
- *Ensure that significant environmental habitats and resources are maintained.*
- *Achieve a pattern of land uses that preserves, enhances, and establishes a distinct identity for the City's neighborhood, corridors, and centers.*
- *Achieve the development of a range of housing units that provides for the diverse economic, physical, and social needs of existing and future residents of Huntington Beach.*
- *Preserve the City's open spaces.*

*Additionally, applicable policies include:*

- *Require that single-family residential units be designed to convey a high level of quality and character considering the following guidelines:*
  - a. *Modulate and articulate building elevation, facades, and masses (avoiding undifferentiated "box-like" structures).*
  - b. *Avoid building materials, colors, and construction elements that visually dominate their setting and contrast significantly with the character of their neighborhood.*
  - c. *Minimize the amount and width of the paving of front yards for driveway and garage access.*
  - d. *Encourage innovative and creative design concepts.*
  - e. *Locate and design garages so that they do not dominate the street frontage.*
- *Require that the design of new residential subdivisions consider the following.*
  - a. *Establish a street configuration involving the interconnection of individual streets that emphasizes a pattern of "blocks" rather than cul-de-sacs (Plate LU- 1 and LU- 2).*
  - b. *Integrate public squares, mini-parks, or other landscaped elements.*
  - c. *Cluster residential units and, if possible, integrate small clusters of multi-family housing within single family areas to preserve open space.*
  - d. *Establish a common "gathering" or activity center within a reasonable walking distance of residential neighborhoods. This center may contain services, such as child or adult-care, recreation, public meeting rooms, recreational facilities, small convenience commercial uses, or similar facilities.*
  - e. *Site common facilities around a public park or plaza to encourage a high level of community activity.*
  - f. *Establish a continuous network of sidewalks, bicycle and pedestrian paths, and other elements that link all community areas and provide linkages to land uses in adjacent areas.*
  - g. *Orient housing units to neighborhood and collector streets.*
  - h. *Site and design units and incorporate elements, such as porches, that emphasize front yards as an activity area and "outdoor living room," by locating garages in the rear or side yards.*

- i. Consider reduced street widths to achieve a more "intimate" relationship between structures, to the extent feasible and in accordance with Huntington Beach Fire Department regulations.
- j. Consider an increase in front yard setbacks, sidewalk widths, and the inclusion of landscaped parkways, especially in neighborhoods where the street width is reduced.
- k. Include alleys or other means to minimize the dominance of garages along the street frontage. "

I found a rating key that provided policy guidelines and formed the idea for the spreadsheet that I created.

#### **"Compatibility Rating Key**

5: Identical to pre-existing land uses or totally compatible. Development should be designed consistent with good planning practice.

4: The proposed use is basically compatible with the pre-existing adjacent use. Traffic from higher intensity uses should be directed away from lower intensity uses. Building elements and scale should be consistent with surrounding development.

3: The proposed use may have potential conflicts with existing adjacent uses, which may be remedied or minimized through project design. Traffic and other external effects should be directed away from lower-intensity uses. Landscaping, buffering, and screening should be employed to minimize negative effects. A Planned Unit Development may be advisable.

2: The proposed use has significant conflicts with the pre-existing adjacent use. Major effects must be strongly mitigated to prevent impact on adjacent uses. A Planned Unit Development is required in all cases to assess project impact and define development design.

1: The proposed use is incompatible with adjacent land uses. Any development proposal requires a Planned Unit Development and extensive documentation to prove that external effects are fully mitigated. In general, proposed uses with this level of conflict will not be permitted."

#### **"Land Use Compatibility**

One of the primary purposes of land use planning is to minimize the impact certain uses have on adjacent areas. This has been traditionally accomplished by providing separation between sensitive uses and uses whose by-products may include noise, excessive traffic, odors, dust, or vibrations. For instance, a number of uses, including agriculture, industrial, commercial, landfills, mining operations, and transportation facilities, can have potentially adverse effects upon residential neighborhoods, sensitive habitat areas and schools. However, in order to achieve a more compact development pattern, improved accessibility between places of employment and residence, and improved access to transit as described in the RCIP Vision, a strict reliance on physical separations is not practical. Instead, the County must require construction techniques and enforce use regulations (e.g., restrictions on hours of operations) to help mitigate these impacts and achieve these aspects of the Vision.

***Compatibility is also associated with character. That is, the character of an area is often viewed in terms of the relationships between, and treatment of, the built and natural environment. The design of structures and their relationship to the surrounding natural and/or urban character plays a key role in creating the character or identity of a place. The intent of these policies is to provide guidance regarding compatibility, including reducing negative impacts on adjacent uses and the sensitive siting and design of uses.***

***Policies:***

***LU 6.1 Require land uses to develop in accordance with the General Plan and area plans to ensure compatibility and minimize impacts. (AI 1, 3)***

***LU 6.2 Direct public, educational, religious, and utility uses into Community Development areas and Rural Villages as identified on the General Plan Land Use Map. These uses may be found consistent with any of the Community Development and Rural Foundation Components, as well as the Open Space-Rural land use designation and the Rural Village Overlay designation, under the following conditions: (AI 1,3)***

***a. The facility is compatible in scale and design with surrounding land uses, and does not generate excessive noise, traffic, light, fumes, or odors that might have a negative impact on adjacent neighborhoods.***

***b. The location of the proposed use will not jeopardize public health, safety, and welfare, or the facility is necessary to ensure the continual public safety and welfare***

***LU 6.3 Consider the positive characteristics and unique features of the project site and surrounding community during the design and development process. (AI 3)***

***LU 6.4 Retain and enhance the integrity of existing residential, employment, agricultural, and open space areas by protecting them from encroachment of land uses that would result in impacts from noise, noxious fumes, glare, shadowing, and traffic. (AI 3)***

***LU 6.5 Require buffering between residential neighborhoods and uses such as industrial and commercial land uses and high traffic corridors, except in the Community Center land use designation, and the Community Center and Rural Village land use overlays. (AI 3)***

***LU 6.6 Require buffering between urban uses and adjacent rural/equestrian oriented land uses. (AI 3)***

***LU 6.7 Buffer and/or maintain a natural edge for proposed development directly adjacent to national forests. (AI 3)"***

***Conclusion***

All of the above information is provided to instigate discussion and create a better way for the City to assess compatibility. In many cities, towns, counties, etc., the same criteria is used to determine appropriateness and compatibility of proposed conditional uses. These criteria relate to specific standards that promote a "harmonious" relationship between land uses. It also gives a governmental agency the means to insist (condition the use) that certain measures be taken in order to mitigate those factors that can be mitigated to assure compatibility; and conversely, to use as findings of facts to deny a request.

Most cities use the following criteria to assess and approve Conditional Uses, in an effort to assure compatibility:

- A. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
- B. Adequate off-street parking and loading areas may be required, without creating undue noise, glare, odor, or other detrimental effects upon adjoining properties.
- C. Adequate and properly located utilities are available or may be reasonably provided to serve the proposed development.
- D. Adequate screening/buffering will be provided to protect and provide compatibility with adjoining properties;
- E. Signs, if any, and proposed exterior lighting will be so designed and arranged so as to promote safety or minimize any undue glare, incompatibility, or disharmony with adjoining properties;
- F. Yards and open spaces will be adequate to properly serve the proposed development and to ensure compatibility with adjoining properties;
- G. The use as proposed will be in conformance with all stated provisions and requirements of this ordinance;
- H. Establishment and operation of the proposed use upon the particular property involved will not impair the health, safety, welfare, or convenience of residents or workers in the City;
- I. The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, or because of vehicular movement, noise, fume generation, or type of physical activity;

Often, a final category is used for the "catch-all": Is the project consistent with the Comprehensive Plan and compatible with the surrounding area in terms of character, relationship, and other features.

The bottom line is that many issues and items form the cumulative equation to determine compatibility. The City of Rockledge requires "severe compatibility tests". This means 'can the project be made to reach the highest standards of compatibility within the context of the development or use?'. Harmony, safety, character, are factors used to achieve compatibility. At the end of the day, compatibility is only achieved through proper design and planning, not always through just using a set of regulations; the local government and land owner/developer need to work through site planning, building design, and overall site design features to assure the highest quality design. If this is achieved, it will take into account the criteria above and on the table that is provided as an attachment. In this way, compatibility is more likely to be achieved.

Ed McMahon, a noted planner in sustainability and senior resident fellow at the Urban Land Institute in Washington, D.C., states it much better in a 2005 article, a portion of which is provided below:

### **"Lessons in Community Development Learned from Traveling**

San Antonio Business Journal  
April 18, 2005  
Edward T. McMahon

**Economic impact**

Design is also important because it relates directly to economic development and equals cold hard cash for many communities. Mayor Michael Polovitz of Grand Forks, N.D., observed that "Design reflects on the city as a whole. How a city looks to new businesses is very important to whether or not a business locates in your city." Likewise, Mayor David Musante of Northampton, Mass., noted, "Design relates directly to an impression of livability and economic vitality. It has a major impact on our city."

Good design is especially important to those communities seeking to attract tourists and their dollars. This is because the more a community does to protect and enhance its unique characteristics, whether natural or man-made, the more tourists it will attract. On the other hand, the more a community comes to resemble everyplace else, the less reason there is to visit.

**While good design can mean more tourists, increased jobs, a better tax base, increased property values, and a better quality of life, bad design or no design can lead to polarization and citizen opposition to new development. Without a doubt, there would be far less opposition to new developments, of all types, if builders, developers and public officials paid more attention to the appearance, design, and compatibility of the new development with the existing natural and architectural character of our communities. Good design does matter. All we need to do is to look around to see that this is true.**

Rochelle W. Lawandales, AICP  
LAWANDALES PLANNING AFFILIATES, INCL

COMPATIBILITY MATRIX*						
CRITERIA	MEASUREMENT			COMMENTS/IDEAS/ISSUES		
	Common Factors/characteristics			Other?		
Land use						
Zoning	same as adjacent	different	similar			What is the existing or requested land use? How similar or different is it from adjacent areas?
	same as adjacent	different	similar			same as above
Location	location on site	location in neighborhood/community	in relation to other similar uses			this relates to the site as well as amenities and buildings
Separation	of site	of buildings	of uses			What is the distance between various aspects of a site and its uses?
Buffering	sufficient	insufficient	can be made larger	property constraints		Are minimal standards met? How can additional measures help or hurt? What constraints can affect any buffering?
Access	shared/cross access	separate ingress/egress				Traffic and Access are often reasons given to deny an application; however, it is generally a physical characteristic that can be mitigated. How can you re-route access? Decel/Accel lanes? Shift things on a site to a different place on the site.
Hours of operation	daytime	night time	24/7			Self explanatory
Location of stormwater	properly designed for safety	attractive nuisance	park like setting			Stormwater ponds can be ugly if not integrated into the overall site design character.
Landscaping	minimal	additional	more than 2X required amount			Landscape is often the simple cure to site or design incompatibilities. It can be used to soften flat blank walls; bring down the visual height of a building; create pedestrian or other boundaries for safety; and not give a "fenced/ghetto" look
Setbacks	minimal	additional	more than 2X required amount			Standard setbacks often are enough for most uses. In some cases, increasing the setbacks (or buffer) will promote compatibility
Fencing	decorative	using for protection or status	not needed at all			Fencing doesn't always make good neighbors; sometimes it creates urban ghettos. However, decorative fences that provide visibility (such as with pickets, wrought iron, or open block/weave) give a sense of connectivity and safety at the same time. Tall solid fences often invite trouble and provide hiding areas, contrary to CPTED principles.
Walls/wall placement/wall design	wall placement in relation to other offsite structures	wall design-flat/decorative				This really is about design-flat blank walls are poor design. Decorative features, proper wall placement, wall height differentiation, affect compatibility
Connectivity	no fences	pedestrian access	not needed at all			Good design today promotes connectivity, between neighborhoods, between uses, between buildings of like uses.
Traffic	how is access	is there another route	what improvements make it better			See access
Lighting	off site glare, impacts	all impacts are on-site	Opportunities for different materials	location of parking and access		Are parking areas well lit; buildings well lit; pathways, etc.
Parking	Too much/too little	Opportunities to share	edge issues			Will the spaces be capable of supporting the uses? Will spill over affect neighbors?
Site size	too big	is it all contained inside	security			Sometimes it's 25 lbs of potatoes in a 5 lb. bag; sometimes it's a matter of design and placement.
Noise	is the actual noisy	trash handling	on-site security			Car lot speakers can sometimes be heard by neighbors; sometimes the way the prevailing winds go, there is no sound...this has to be judged as a function of use, amount, placement, volume levels
Waste Management	additional officers	integrates into natural environment	is forced into the setting			Self explanatory
Security						Does the use require more city response times? Does the city have to add officers or will the development provide?
Environmental considerations						Compatibility also is internal as well as external.
Not injurious to the public welfare						This captures several items and is a basic function of planning and zoning. Are public walkways dark? Do pedestrian areas cross through dark "nooks and crannies" that could be hiding places? Does the use foster other criminal acts as agreed to by professional law enforcement personnel.

# Compatibility:

Date:

15th century

- 1: capable of existing together in harmony <*compatible* theories> <*compatible* people>
- 2: capable of cross-fertilizing freely or uniting vegetatively
- 3: capable of forming a homogeneous mixture that neither separates nor is altered by chemical interaction
- 4: capable of being used in transfusion or grafting without immunological reaction (as agglutination or tissue rejection)
- 5: designed to work with another device or system without modification; *especially*
- 6: being a computer designed to operate in the same manner and use the same software as another computer

# Harmony:

Date:

14th century

- 3 a: pleasing or congruent arrangement of parts <a painting exhibiting *harmony* of color and line>
- b: correspondence, accord <lives in *harmony* with her neighbors>
- c: internal calm : tranquillity
- 4 a: an interweaving of different accounts into a single narrative b: a systematic arrangement of parallel literary passages (as of the Gospels) for the purpose of showing agreement or harmony

# ACCORD:

Date:

12th century

*transitive verb*

- 1: to bring into agreement : reconcile
- 2: to grant or give especially as appropriate, due, or earned *intransitive verb* 1 *archaic* : to arrive at an agreement 2 *obsolete* : to give consent
- 3: to be consistent or in harmony : agree —usually used with *with* <a theory that *accords* with the known facts>

## Compatibility issues:

	R2	R3	Proposed improvements
Acres			
Density between uses:	5	10	
Transportation Impact between uses	9.55	5.86	
	Code 210	Code 230	
Height between uses:	25 feet	40 feet	
Allowed maximum Coverage:	35%	50% plus 20 for driveways	
Rear setbacks from property line:	20	25	
Landscaping required between uses:	2 trees	2 minimum	
Lighting issues	0	0	
Noise issue	0	0	
Buffering techniques:	0	6 foot wall	
Land Use designation	Medium density	Medium Density	
Fire protection provided	none	sprinkled	
School Children			

# Compatibility comparisons:

Issues:	1	2	Compatible
Height:	25 feet	25 feet	y
Density	5 dua	10 dua	n
Land Use designation	MDR	MDR	y
Setbacks Rear	20	25	y
Landscaping	2 trees per	2 years per	y
Transportation	1 unit 9.55	1 unit 6.63	n
Buffering	none	6 foot wall	y
Lighting	0 @ property	0@ property	y
Drainage	LDR standard	LDR standard	y

Arguments. Height issue: the project next to me can see me in my pool. They need to be blocked by additional landscaping or increase wall height to eight feet.

Density increases usually requires the structure to be build higher and these structures now look like boxes and not the typical home style or townhouse style. Appearance would be the biggest impact between these unlike uses.

Buffering wall, SF residential uses do not require a wall to be built. MF residential does require a 6-foot wall to be built, when built against SF residential or commercial.

Transportation impacts between SF @ 9.57, under code 210 and MF @ 6.63, under code 220 are great between uses. The usual results are increased traffic congestion and additional coverage and vehicles on the multi-family project. Additional parking is usually needed

R2

Zoning

R3

Zoning

Property Line

Decrease in  
Small + Medium  
Type Trees

Sample

600' Joint Border.

6' wall Landscape Increase = 1' wall Height

Trees

trees every 35' = 17

trees every 30' = 20

Trees every 25' = 24

trees every 20' = 30

trees every 15' = 40

trees every 10' = 60

trees every 5' = 120

35' set back  
40' set back  
45' set back  
50' set back  
55' set back  
60' set back  
65' set back  
70' set back  
75' set back  
80' set back  
85' set back  
90' set back  
95' set back  
100' set back  
105' set back  
110' set back

10' wall  
15' wall  
20' wall  
25' wall  
30' wall  
35' wall  
40' wall  
45' wall  
50' wall  
55' wall  
60' wall  
65' wall  
70' wall  
75' wall  
80' wall  
85' wall  
90' wall  
95' wall  
100' wall  
105' wall  
110' wall

25' set back

20' set back

Ground Level

00040

## SECTION 81.35. BUFFERING HEIGHT STANDARDS AND BUFFER WALLS

A. When a lot or parcel in a commercial, professional, manufacturing or industrial district is being developed and abuts residentially zoned property, either to a side or to the rear, there shall be a solid opaque wall, a minimum of six (6) feet in height built and maintained along the non-residential property line of abutment, except if modified by the planning commission and city council, and shall be constructed in such a manner that there is no visibility through the wall on a horizontal plane. It shall be constructed of essentially maintenance-free materials and shall not be constructed of any wood or wood derivative product. Each wall shall be constructed as to present a finished appearance (i.e., block walls shall be stuccoed and overlaid with a fungus resistant paint; concrete walls will be overlaid with a fungus resistant paint and be in a neutral color approved by the building official; brick walls will have all mortar joints struck). Construction of such walls shall conform to the standards of the Standard Building Code. The wall shall run the entire length of the line of abutment except that a wall running along a side line shall be constructed three (3) feet in height from the front yard setback point of the abutting residential district to the street or end of non-residential line of abutment. The wall shall be constructed on the non-residential property and the height of the wall shall be measured from the finished ground level of the non-residential property or abutting residential property, whichever is the highest elevation. Additional conditions and regulations may be found in each individual zoning district.

B. When a buffer wall is required between unlike land uses as determined by code and a new development is being proposed next to an existing development a height compatibility slope shall be established between the two (2) uses.

1. Establishment of a mean height on the existing development directly adjacent to any new development. The developer of any new project shall calculate the mean height of all adjacent developed properties using the roof tops as the highest point. This calculation shall only be used where the code calls for increased buffering. ("H" is established)

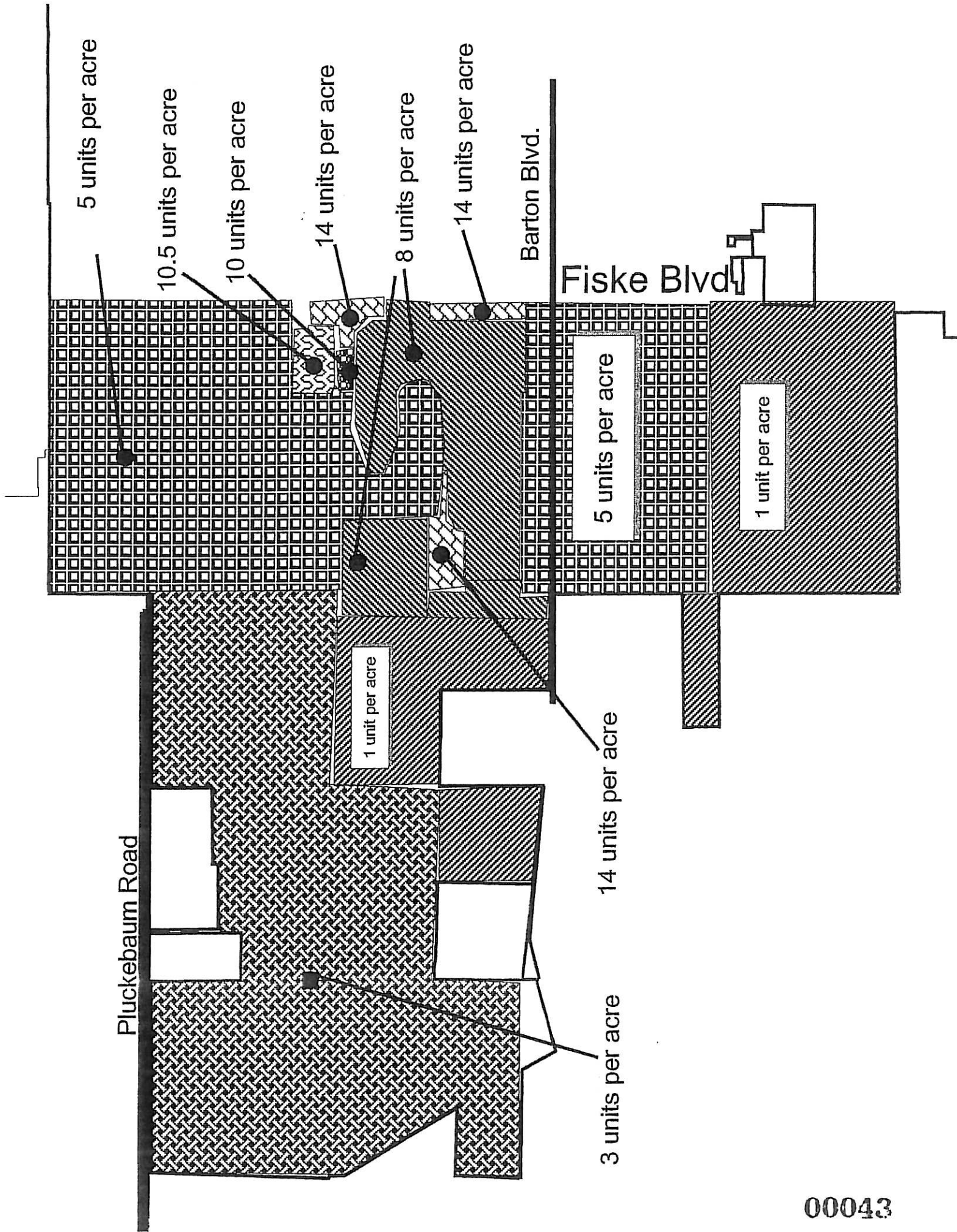
2. The top height of the buffer wall in relationship to the project through the site plan review process shall be established, this will determine the buffer wall height. ("W" is established)

3. The required separation distance between property line and structure setback shall be determined for the new development will be determined. ("S" is established)

4. Compatibility height slope shall be established using the following method. (From the property line, "S" point shall be established, from that point an imaginary height point shall be established using "H", creating (H-1). A height slope line shall be established by running a line from W to H-1. The new development height of any structure shall encroach above this established line.

(Ord. No. 1144-97, § 31, 8-20-97; Ord. No. 1299-2002, § 1, 11-20-02)

<b>Current projects developed west of Fiske Blvd.</b>					
	Project	units	acres	d.u.a.	zoning
1	Revilla Manor	34	8.9	3.820225	R2
2	Rockledge Country Club Estates	115			R2
3	Rockledge Country Club Estates, II	109	31.88	3.419072	R2
4	Sierra Lakes	103	37.88	2.719113	R2
5	Rockledge Country Club Estates Townhomes	23	3.14	7.324841	TH
6	Rockledge Pines Unit 1	63	20.4	3.088235	R2
7	Silverado	40	10.11	3.956479	R2A
8	Oaks Condo	131	10.72	12.22015	R3
9	Rockledge Pines Unit 2	68	20.4	3.333333	R2
10	Virginia Park	220	40	5.5	R2
11	Silver Lakes Estates	8	1.41	5.673759	R2
12	Marlin Manor	142	38.32	3.705637	R2
13	West Link Townhomes II	6	0.67	8.955224	R2A
14	West Link Townhomes I	16	1.38	11.5942	R2A
15	Rockledge Country Club Estates Section 1	27	8.6	3.139535	R2
16	Rockledge Country Club Estates Section 2	46	15.68	2.933673	R2
17	Barrington 1	69	29.24	2.359781	R2
18	Barrington 2	74	20.68	3.578337	R2
19	Rockledge Acres Estates	54	74.1	0.728745	RCE
20	Golfview	75	20.62	3.637245	R2
21	Replat of Golfview	85	17.51	4.854369	R2
22	Kings Grant Phase 1	62	15.23	4.070913	R2
23	Kings Grant Phase 2	79	20	3.95	R2
24	Kings Grant Phase 3	36	11.49	3.133159	R2
25	Kings Grant Phase 4	90	22.44	4.010695	R2
26	Kings Grant Phase 5	60	17.57	3.414912	R2
27	Timbers West 1	96	112.82	0.850913	RCE
28	Timbers West 2	26	109.3	0.237877	RCE
29	Wellington Station	75	45.54	1.646904	R1
30	Phillips Landing	240	80	3	R2A
31	Rock Villas Apartment	92	6.13	15.00816	R3
32	Casa Verde club condo	107	7.67	13.95046	R2A



## **70.001 Private property rights protection.--**

(1) This act may be cited as the "Bert J. Harris, Jr., Private Property Rights Protection Act." The Legislature recognizes that some laws, regulations, and ordinances of the state and political entities in the state, as applied, may inordinately burden, restrict, or limit private property rights without amounting to a taking under the State Constitution or the United States Constitution. The Legislature determines that there is an important state interest in protecting the interests of private property owners from such inordinate burdens. Therefore, it is the intent of the Legislature that, as a separate and distinct cause of action from the law of takings, the Legislature herein provides for relief, or payment of compensation, when a new law, rule, regulation, or ordinance of the state or a political entity in the state, as applied, unfairly affects real property.

(2) When a specific action of a governmental entity has inordinately burdened an existing use of real property or a vested right to a specific use of real property, the property owner of that real property is entitled to relief, which may include compensation for the actual loss to the fair market value of the real property caused by the action of government, as provided in this section.

(3) For purposes of this section:

(a) The existence of a "vested right" is to be determined by applying the principles of equitable estoppel or substantive due process under the common law or by applying the statutory law of this state.

(b) The term "existing use" means an actual, present use or activity on the real property, including periods of inactivity which are normally associated with, or are incidental to, the nature or type of use or activity or such reasonably foreseeable, nonspeculative land uses which are suitable for the subject real property and compatible with adjacent land uses and which have created an existing fair market value in the property greater than the fair market value of the actual, present use or activity on the real property.

(c) The term "governmental entity" includes an agency of the state, a regional or a local government created by the State Constitution or by general or special act, any county or municipality, or any other entity that independently exercises governmental authority. The term does not include the United States or any of its agencies, or an agency of the state, a regional or a local government created by the State Constitution or by general or special act, any county or municipality, or any other entity that independently exercises governmental authority, when exercising the powers of the United States or any of its agencies through a formal delegation of federal authority.

(d) The term "action of a governmental entity" means a specific action of a governmental entity which affects real property, including action on an application or permit.

(e) The terms "inordinate burden" or "inordinately burdened" mean that an action of one or more governmental entities has directly restricted or limited the use of real property such that the property owner is permanently unable to attain the reasonable, investment-backed expectation for the existing use of the real property or a vested right to a specific use of the real property with respect to the real property as a whole, or that the property owner is left with existing or vested uses that are unreasonable such that the property owner bears permanently a disproportionate share of a burden imposed for the good of the public, which in fairness should be borne by the public at large. The terms "inordinate burden" or

"inordinately burdened" do not include temporary impacts to real property; impacts to real property occasioned by governmental abatement, prohibition, prevention, or remediation of a public nuisance at common law or a noxious use of private property; or impacts to real property caused by an action of a governmental entity taken to grant relief to a property owner under this section.

(f) The term "property owner" means the person who holds legal title to the real property at issue. The term does not include a governmental entity.

(g) The term "real property" means land and includes any appurtenances and improvements to the land, including any other relevant real property in which the property owner had a relevant interest.

(4)(a) Not less than 180 days prior to filing an action under this section against a governmental entity, a property owner who seeks compensation under this section must present the claim in writing to the head of the governmental entity. The property owner must submit, along with the claim, a bona fide, valid appraisal that supports the claim and demonstrates the loss in fair market value to the real property. If the action of government is the culmination of a process that involves more than one governmental entity, or if a complete resolution of all relevant issues, in the view of the property owner or in the view of a governmental entity to whom a claim is presented, requires the active participation of more than one governmental entity, the property owner shall present the claim as provided in this section to each of the governmental entities.

(b) The governmental entity shall provide written notice of the claim to all parties to any administrative action that gave rise to the claim, and to owners of real property contiguous to the owner's property at the addresses listed on the most recent county tax rolls. Within 15 days after the claim being presented, the governmental entity shall report the claim in writing to the Department of Legal Affairs, and shall provide the department with the name, address, and telephone number of the employee of the governmental entity from whom additional information may be obtained about the claim during the pendency of the claim and any subsequent judicial action.

(c) During the 180-day-notice period, unless extended by agreement of the parties, the governmental entity shall make a written settlement offer to effectuate:

1. An adjustment of land development or permit standards or other provisions controlling the development or use of land.
2. Increases or modifications in the density, intensity, or use of areas of development.
3. The transfer of developmental rights.
4. Land swaps or exchanges.
5. Mitigation, including payments in lieu of onsite mitigation.
6. Location on the least sensitive portion of the property.
7. Conditioning the amount of development or use permitted.

8. A requirement that issues be addressed on a more comprehensive basis than a single proposed use or development.

9. Issuance of the development order, a variance, special exception, or other extraordinary relief.

10. Purchase of the real property, or an interest therein, by an appropriate governmental entity.

11. No changes to the action of the governmental entity.

If the property owner accepts the settlement offer, the governmental entity may implement the settlement offer by appropriate development agreement; by issuing a variance, special exception, or other extraordinary relief; or by other appropriate method, subject to paragraph (d).

(d)1. Whenever a governmental entity enters into a settlement agreement under this section which would have the effect of a modification, variance, or a special exception to the application of a rule, regulation, or ordinance as it would otherwise apply to the subject real property, the relief granted shall protect the public interest served by the regulations at issue and be the appropriate relief necessary to prevent the governmental regulatory effort from inordinately burdening the real property.

2. Whenever a governmental entity enters into a settlement agreement under this section which would have the effect of contravening the application of a statute as it would otherwise apply to the subject real property, the governmental entity and the property owner shall jointly file an action in the circuit court where the real property is located for approval of the settlement agreement by the court to ensure that the relief granted protects the public interest served by the statute at issue and is the appropriate relief necessary to prevent the governmental regulatory effort from inordinately burdening the real property.

(5)(a) During the 180-day-notice period, unless a settlement offer is accepted by the property owner, each of the governmental entities provided notice pursuant to paragraph (4)(a) shall issue a written ripeness decision identifying the allowable uses to which the subject property may be put. The failure of the governmental entity to issue a written ripeness decision during the 180-day-notice period shall be deemed to ripen the prior action of the governmental entity, and shall operate as a ripeness decision that has been rejected by the property owner. The ripeness decision, as a matter of law, constitutes the last prerequisite to judicial review, and the matter shall be deemed ripe or final for the purposes of the judicial proceeding created by this section, notwithstanding the availability of other administrative remedies.

(b) If the property owner rejects the settlement offer and the ripeness decision of the governmental entity or entities, the property owner may file a claim for compensation in the circuit court, a copy of which shall be served contemporaneously on the head of each of the governmental entities that made a settlement offer and a ripeness decision that was rejected by the property owner. Actions under this section shall be brought only in the county where the real property is located.

(6)(a) The circuit court shall determine whether an existing use of the real property or a vested right to a specific use of the real property existed and, if so, whether, considering the settlement offer and ripeness decision, the governmental entity or entities have

inordinately burdened the real property. If the actions of more than one governmental entity, considering any settlement offers and ripeness decisions, are responsible for the action that imposed the inordinate burden on the real property of the property owner, the court shall determine the percentage of responsibility each such governmental entity bears with respect to the inordinate burden. A governmental entity may take an interlocutory appeal of the court's determination that the action of the governmental entity has resulted in an inordinate burden. An interlocutory appeal does not automatically stay the proceedings; however, the court may stay the proceedings during the pendency of the interlocutory appeal. If the governmental entity does not prevail in the interlocutory appeal, the court shall award to the prevailing property owner the costs and a reasonable attorney fee incurred by the property owner in the interlocutory appeal.

(b) Following its determination of the percentage of responsibility of each governmental entity, and following the resolution of any interlocutory appeal, the court shall impanel a jury to determine the total amount of compensation to the property owner for the loss in value due to the inordinate burden to the real property. The award of compensation shall be determined by calculating the difference in the fair market value of the real property, as it existed at the time of the governmental action at issue, as though the owner had the ability to attain the reasonable investment-backed expectation or was not left with uses that are unreasonable, whichever the case may be, and the fair market value of the real property, as it existed at the time of the governmental action at issue, as inordinately burdened, considering the settlement offer together with the ripeness decision, of the governmental entity or entities. In determining the award of compensation, consideration may not be given to business damages relative to any development, activity, or use that the action of the governmental entity or entities, considering the settlement offer together with the ripeness decision has restricted, limited, or prohibited. The award of compensation shall include a reasonable award of prejudgment interest from the date the claim was presented to the governmental entity or entities as provided in subsection (4).

(c)1. In any action filed pursuant to this section, the property owner is entitled to recover reasonable costs and attorney fees incurred by the property owner, from the governmental entity or entities, according to their proportionate share as determined by the court, from the date of the filing of the circuit court action, if the property owner prevails in the action and the court determines that the settlement offer, including the ripeness decision, of the governmental entity or entities did not constitute a bona fide offer to the property owner which reasonably would have resolved the claim, based upon the knowledge available to the governmental entity or entities and the property owner during the 180-day-notice period.

2. In any action filed pursuant to this section, the governmental entity or entities are entitled to recover reasonable costs and attorney fees incurred by the governmental entity or entities from the date of the filing of the circuit court action, if the governmental entity or entities prevail in the action and the court determines that the property owner did not accept a bona fide settlement offer, including the ripeness decision, which reasonably would have resolved the claim fairly to the property owner if the settlement offer had been accepted by the property owner, based upon the knowledge available to the governmental entity or entities and the property owner during the 180-day-notice period.

3. The determination of total reasonable costs and attorney fees pursuant to this paragraph shall be made by the court and not by the jury. Any proposed settlement offer or any proposed ripeness decision, except for the final written settlement offer or the final written ripeness decision, and any negotiations or rejections in regard to the formulation either of the settlement offer or the ripeness decision, are inadmissible in the subsequent proceeding

established by this section except for the purposes of the determination pursuant to this paragraph.

(d) Within 15 days after the execution of any settlement pursuant to this section, or the issuance of any judgment pursuant to this section, the governmental entity shall provide a copy of the settlement or judgment to the Department of Legal Affairs.

(7)(a) The circuit court may enter any orders necessary to effectuate the purposes of this section and to make final determinations to effectuate relief available under this section.

(b) An award or payment of compensation pursuant to this section shall operate to grant to and vest in any governmental entity by whom compensation is paid the right, title, and interest in rights of use for which the compensation has been paid, which rights may become transferable development rights to be held, sold, or otherwise disposed of by the governmental entity. When there is an award of compensation, the court shall determine the form and the recipient of the right, title, and interest, as well as the terms of their acquisition.

(8) This section does not supplant methods agreed to by the parties and lawfully available for arbitration, mediation, or other forms of alternative dispute resolution, and governmental entities are encouraged to utilize such methods to augment or facilitate the processes and actions contemplated by this section.

(9) This section provides a cause of action for governmental actions that may not rise to the level of a taking under the State Constitution or the United States Constitution. This section may not necessarily be construed under the case law regarding takings if the governmental action does not rise to the level of a taking. The provisions of this section are cumulative, and do not abrogate any other remedy lawfully available, including any remedy lawfully available for governmental actions that rise to the level of a taking. However, a governmental entity shall not be liable for compensation for an action of a governmental entity applicable to, or for the loss in value to, a subject real property more than once.

(10) This section does not apply to any actions taken by a governmental entity which relate to the operation, maintenance, or expansion of transportation facilities, and this section does not affect existing law regarding eminent domain relating to transportation.

(11) A cause of action may not be commenced under this section if the claim is presented more than 1 year after a law or regulation is first applied by the governmental entity to the property at issue. If an owner seeks relief from the governmental action through lawfully available administrative or judicial proceedings, the time for bringing an action under this section is tolled until the conclusion of such proceedings.

(12) No cause of action exists under this section as to the application of any law enacted on or before May 11, 1995, or as to the application of any rule, regulation, or ordinance adopted, or formally noticed for adoption, on or before that date. A subsequent amendment to any such law, rule, regulation, or ordinance gives rise to a cause of action under this section only to the extent that the application of the amendatory language imposes an inordinate burden apart from the law, rule, regulation, or ordinance being amended.

(13) This section does not affect the sovereign immunity of government.

## Constitutionality of Burt J. Harris, Jr. Act

United States | 08/23/2006 | Fowler White Boggs Banker

A Florida District Court recently recognized the constitutionality of the Burt J. Harris, Jr. Act when a property owner claimed one million dollars in diminution of property value due to a local wetlands protection ordinance. The Court recognized the ability of a local government to use its police powers to promote the public safety or public health, but in doing so also recognized that the Burt J. Harris, Jr. Act also establishes a valid cause of action for the local government to grant relief to property owners when property is inordinately burdened by a regulation. The Court went on to hold that the Burt J. Harris, Jr. Act does not : 1) allow local governments to contract away their inherent sovereign police powers; 2) violate the separation of powers doctrine; nor does it: 3) unconstitutionally delegate legislative power to the courts. The Court remanded the matter to the trial court, which failed to make findings, pursuant to the requirements of the Burt J. Harris, Jr. Act. For more information, contact Meredith Sherman.

Source: Fowler White

### Related news

- ✦ Changes to Florida Statutes Regarding Construction Contracts
- ✦ Bill Introduced To Make Permanent Estate Tax Relief
- ✦ Real Estate Ownership Through a Corporation
- ✦ US home sales figures fall back
- ✦ By 2010, 40% of New-Home Construction Will be Green, Firm Says

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*Via email to [dgriffin@cityofrockledge.org](mailto:dgriffin@cityofrockledge.org)*

May 8, 2008

Don Griffin  
Development & Grants Coordinator  
**City of Rockledge**  
1600 Huntington Lane  
Rockledge, Florida 32955-2660

**Re: Proposed Text Amendment FLU Element District 4**

Dear Mr. Griffin:

We are submitting a text amendment (attached) we believe is necessary to preserve and protect the low density single-family character presently existing west of Fiske Boulevard within the City. We would like to have this proposed text amendment considered by the Citizen Advisory Committee on May 19<sup>th</sup>, 2008. We would also like to have this language presented to the Local Planning Agency and City Council at their regularly scheduled meetings.

Should you have any questions, please contact me at (407) 629-8880 ext. 218 or [tpeetz@millerlegg.com](mailto:tpeetz@millerlegg.com).

Sincerely,

A handwritten signature in black ink, appearing to read "TP", written over a horizontal line.

Todd Peetz, AICP

TP/mch  
Attachment

cc: Mike S. Minot esq.  
Kendall T. Moore

V:\Projects\2008\08-City of Rockledge St. Andrew's\Rockledge letter 5-8-08.doc

**IMPROVING COMMUNITIES. CREATING ENVIRONMENTS.**

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**00050**

## PLANNING DISTRICT 4. NORTH/WEST FISKE AREA

### **Area objective.**

To maintain and improve this area as a low and medium density residential area and insure that future development will not substantially alter or depreciate the existing character of the area.

Type of land use.

1. Development within the district will be limited primarily to single-family detached dwellings and directly related land uses such as parks, schools, utilities, streets and other such activities whose primary purpose is to serve the residents of the district. Zoning districts that may be appropriate for this area after due consideration by the city include: PUD, RCE, R1, and R2.

2. Limited commercial, professional, and multi-family residential uses will be considered in appropriate locations based on severe compatibility and consistency tests. After due consideration by the city other zoning district shall be limited to existing use which range from R2A, R-3, P1, C1, C1A, and C2, which may be changed and approved only if consistent with, and compatible to the intent or criteria of this district. For the purpose of providing for a proper transition of land use and in order to protect the existing low density single-family residential character of the district, future commercial, professional and multi-family development shall not extend westerly from Fiske Boulevard further than the existing building line of adjacent similar uses and/or structures or 600 feet from Fiske Boulevard which ever is less.

3. The city shall undertake steps to develop through an interlocal agreement with Brevard County an urban reserve area which encompasses unincorporated areas adjacent to this district.  
Density.

4. Maximum density allowed shall not exceed five (5) dwelling units per acre; ~~current multi-family zoning districts shall be limited to existing densities.~~ Any proposed zoning district changes shall be limited to a maximum of five (5) dwelling units per acre. Undeveloped areas west of Fiske Boulevard will be encouraged to be developed with a maximum of three (3) dwelling units per acre in order to protect the natural character of the land, except that the maximum allowable density shall be fourteen (14) multi-family dwelling units per acre for the following described property located in planning district 4:

*Parcel A:* A parcel of land lying in Section 5, Township 25 South, Range 36 East, Brevard County, Florida, being more particularly described as

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follows: Commence at the Southwest corner of said Section 5, and run North 00°21'30" East, along the West line of said Section, a distance of 315.07 feet to the Northwest corner of ROCKLEDGE COUNTRY CLUB ESTATES, SECTION TWO, as recorded in Plant Book 25, Page 101, of the public records of Brevard County, Florida; thence North 89°21'44" East, along the North line of said subdivision, a distance of 115.02 feet; thence North 00°32'30" East, parallel with said West line of Section 5, a distance of 778.78 feet; then North 89°30'28" East, a distance of 13.37 feet; thence North 20°29'32" West, a distance of 92.95 feet; then South 89°30'28" West, a distance of 130.85 feet; thence North 00°29'32" West, a distance 92.95 feet; thence South 89°30'28" West, a distance of 159.77 feet to a point on the aforesaid East right-of-way line of Clearlake Road; thence South 00°32'32" West, along said right-of-way line, a distance of 1261.41 feet to the Point of Beginning.

*Parcel B:* A parcel of land lying in Section 5, Township 25 South, Range 36 East, Brevard County, Florida, more fully described as follows: Commence at the Southwest corner of said Section 5; thence North 00°32'30" East, along the West line of said Section 5, a distance of 1379.53 feet to a point on the North line of the Southwest 1/4 of the Southwest 1/4 of said Section 5; thence North 89°30'28" East, along said North line of the Southwest 1/4 of the Southwest 1/4, a distance of 219.56 feet to the Point of Beginning of this description; thence North 00°29'32" West, a distance of 197.27 feet; thence North 89°30'20" East, parallel with said North line of the Southwest 1/4 of the Southwest 1/4, a distance of 224.00 feet; thence South 00°29'32" West, parallel with said North line of the Southwest 1/4 of the Southwest 1/4, a distance of 110.00 feet; thence South 00°29'32" East, a distance of 85.27 feet to an intersection with said North line of the Southwest 1/4 of the Southwest 1/4 of Section 5; thence South 89°30'28" West, along said North line of the Southwest 1/4 of the Southwest 1/4 of said Section 5, a distance of 114.00 feet to the Point of Beginning of this description.

*Parcel C:* A parcel of land (Rockledge Villas) lying from the Southeast corner of the Southeast 1/4 of the Northwest 1/4 of Section 5, Township 25 South, Range 36 East, run North 0 Degrees 10'30" East 116.58 feet along the East line of the said Southeast 1/4 of the Northwest 1/4 to a concrete monument; thence run North 89 Degrees 20'12" East, a distance of 1295.01 feet to an iron pin; thence run South 0 Degrees 07'28" East, a distance of 60.0 feet to a concrete monument at the intersection of the Southerly right of way line of St. Andrews Drive and the Westerly of right of way line of Fiske Boulevard, as shown on the plat of Rockledge Country Club Estates, as Recorded in Plat Book 17, Page 94, Public Records of Brevard County Florida; said intersection and concrete monument being the point of beginning; thence run South 89 Degrees 20'12" West a distance of 636 feet along the aforesaid Southerly

right of way line of St. Andrews Drive to an iron pin; thence run South 0 Degrees 39'48" East a distance of 260 feet to an iron pin; thence run North 89 Degrees 20'12" East a distance of 240.95 feet to an iron pin; thence run South 45 Degrees 18'09" East a distance of 271.52 feet to an iron pin; thence run South 0 Degrees 07'28" East 180.90 feet to an iron pin; thence run North 89 Degrees 52'32" East a distance of 200 feet to an iron pin on the aforementioned Westerly right of way line of Fiske Boulevard; thence run along the said Westerly right of way line of Fiske Boulevard North 0 Degrees 07'28" West a distance of 636 feet to the Point of Beginning, all lying and being in the City of Rockledge, Brevard County, Florida.

#### Compatibility.

5. Scale (height and floor area), materials, setbacks and depth of existing buildings and uses, building orientation, signing, landscaping, detailing, and other physical features that are compatible with the intent to maintain the residential character of this district shall be incorporated in any new development.

6. Adequate vegetation constructed (fences, walls, berms, etc.) buffers and/or open space will be used between different land uses. Special features to accomplish appropriate compatibility of new development with existing development shall be required through the land development regulations when the need has been identified through the site plan review process.

7. Encourage neighborhood commercial development on the lots fronting on Poinsett Drive between Fiske Boulevard and Howard Street.  
Transportation.

8. The transportation system will be maintained in accordance with the policies contained in the traffic circulation element.

9. Provisions for pedestrian and bicycle improvements as addressed in the traffic circulation element will be incorporated into any new development.

10. Adequate access for sanitation, police, fire, and rescue vehicles will be provided by all new development.

#### Conservation.

11. The city shall undertake efforts to work with Brevard County, Department of Environmental Protection, Army Corp. of Engineers and

St. Johns River Water Management District in preserving those wetland areas west of Fiske Boulevard.  
Recreation and open space.

12. Consistent with policies of the open space and recreation element, the city shall make all efforts to combine all projects to incorporate passive or active recreational activities, whenever possible.

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**CITIZENS ADVISORY COMMITTEE  
MEETING MINUTES**

Monday, May 19, 2008 - 7:00 p.m.

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1. CALL TO ORDER

The Rockledge Citizens Advisory Committee met on Monday, May 19, 2008, at 7:00 p.m. in the Council Chamber at Rockledge City Hall, 1600 Huntington Lane, Rockledge, Florida.

MEMBERS PRESENT: Robert Deem, Carol Laymance, Jacob Roland, and Patricia Trawick.

MEMBERS ABSENT: Jack Dubroff (excused), Janeann Lyons (excused) and Dora Anne Thompson (excused).

STAFF PRESENT: Don R. Griffin, Planning Director, Alix Townsend, Planning Intern and Margaret L. Daly, Recording Secretary.

With a quorum present, the meeting was called to order by Chairman Laymance.

2. APPROVAL OF MINUTES

- Meeting of March 17, 2008

**By motion of Robert Deem, seconded by Jacob Roland, the minutes and the attendance record of the regular meeting of March 17, 2008 were approved as individually read. Motion passed unanimously.**

A. Attendance Record

See information listed under Approval of Minutes.

3. PUBLIC HEARINGS

None.

4. OLD BUSINESS

None.

5. NEW BUSINESS

A. Review: Compatibility and Consistency Review (Planning District 4 and Planning District 8)

**00055**

Planning Director Griffin reviewed information as outlined in the memo he supplied to the Committee in their agenda packets. The floor was then open to the public for comment.

Bill Young, 405 Holman Road, Cape Canaveral, indicated he owns a piece of property within the areas being discussed. He indicated that his intention was to develop his property as R3 (Multiple-Family Dwelling High Density District). He inquired as to why this was being discussed as far as possible rezoning or possible modifications. Chairman Laymance indicated to him the City Council had forwarded the subject matter to the Committee for its review.

Kendall Moore, Johnson Law Center, 1290 Federal Highway, Rockledge, Florida 32955 appeared before the Committee representing the interests of the owners of Rockledge Villas. He indicated that it appeared to him that the City Council has asked this Committee to provide recommendations for clarification of language (as to how it relates to severe compatibility and a comprehensive review) in the Rockledge Comprehensive Plan to the Planning Commission. A joint decision had been made by Mr. Moore and Mr. Minot to hire an expert to offer a planning option as to what changes should be made (Todd Peetz-Miller Legg).

Todd Peetz, Miller Legg, 631 S. Orlando Avenue, Winter Park, Florida 32789, appeared before the Committee representing Rockledge Villas and some concerned citizens. He briefly reviewed proposed language, which could be used to amend the City of Rockledge Comprehensive Plan (suggested language to be used was included on Pages 67 through 70 of the Agenda packet.). Mr. Peetz provided an aerial map showing spatial relationships along Fiske Boulevard to the Committee at the meeting. He briefly discussed building densities, zoning, distance between mixed uses, and compatibility between land uses, height, materials used and setbacks involved. The term severe compatibility was also discussed.

Planning Director Griffin gave a brief history of the logic applied to land use classifications that were applied to Murrell Road in the past. Transitional land uses were applied, as the majority of land west of Murrell Road was undeveloped at the time of the Comprehensive Plan adoption.

Committee members voiced concern over getting clarification on terms such as severe compatibility, compatibility and density issues. They were also concerned as to whether structures could be rebuilt after being destroyed.

Mike Minot, 319 Riveredge Boulevard, Cocoa, Florida 32922, appeared before the Committee representing concerned citizens in the subject area. Stressed that language in the Comprehensive Plan must be clear, not confusing. He stated the concern, specifically in Planning Districts 4 and 8 that there are Goals and Objectives paragraphs which states it is to be a low density residential community (the Growth Management Act came well after the properties were developed) so it appears to Mr. Minot that the Comprehensive Plan needs to be amended to show exactly what is actually existing. He reviewed Mr. Legg's proposed language.

Planning Director Griffin stated a proper definition for compatibility was not in the Comprehensive Plan. He also suggested that language needed to be developed as to what severe compatibility would be. He stated that staff has given recommendations such as increased landscaping, increasing buffer wall heights between different land uses, transitional land use areas. The floor was then opened to discussion.

Planning Director Griffin suggested that a matrix be developed as to what would be considered compatible and not compatible. He suggested that criteria be established such using zoning, height, density, setbacks, buffer or landscaping techniques.

Chairman Laymance:

- Suggested the Committee recommend that City Council allow an extension be made to the 120-day moratorium to allow more time to work on the subject request.
- Made a recommendation that the staff come back with better definitions.
- Suggested that the recommendations that were brought forth in this meeting be considered during the review process.
- Encouraged staff to include landscaping and buffer zones into the matrix being prepared.
- Recommended that the Committee consider the proposals in Policy 4 of Planning District 4 submitted by Mr. Peetz.

Mr. Deem questioned what would happen if a structure were destroyed. Planning Director Griffin informed him that if it is destroyed at more than 50% it would have to meet the current regulations set forth by the zoning and land use requirements.

**By motion of Robert Deem, seconded by Jacob Roland, the Committee recommends to the City Council that it extend the 120-day moratorium as adopted by Ordinance 1488-2008. Motion passed unanimously.**

**By motion of Jacob Roland, seconded by Patricia Trawick, the Committee moved to recommend that staff supply a compatibility matrix and guidelines for landscaping, density, land uses, buffering, transitional zoning, architectural zoning, three sided compatibility (75% rule), and setbacks to be reviewed by the Committee at the next meeting. Motion passed unanimously.**

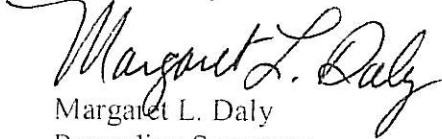
**Motion was made by Jacob Roland to review the units per acre and determine if there are non-conforming uses. Motion died for a lack of a second**

Kendall Moore requested that if any new and/or additional information is produced that he and Mr. Minot be allowed to have copies of said materials and have the opportunity to readdress the board. He also requested that the Committee be open to accepting any written materials supplied by others for consideration.

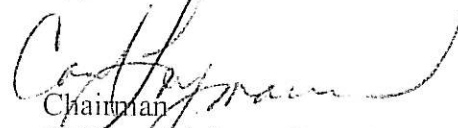
6. ADJOURN

There being no further business to come before the Committee, the meeting adjourned at 8:10 p.m. The next meeting will be June 16, 2008.

Submitted by:

  
Margaret L. Daly  
Recording Secretary

Approved by:

  
Chairman  
Citizens Advisory Committee

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# Compatibility

## Introduction

One of the primary purposes of land use planning is to minimize the impact certain uses have on adjacent or surrounding areas. This has been traditionally accomplished by providing separation between sensitive uses and uses whose by-products may include noise, excessive traffic, odors, dust, or vibrations. However, when cities become almost built out, or where there is infill development or redevelopment, or as cities try to achieve a more compact development pattern, or want to improve accessibility between places of employment and residence, a strict reliance on physical separations is not practical. Instead, cities must evaluate and required changes to the form and function of uses, require different construction techniques and enforce use regulations (e.g., restrictions on hours of operations) to help mitigate any real or perceived negative impacts among different uses.

Compatibility is also associated with character. That is, the character of an area is often viewed in terms of the relationships between, and treatment of, the built and natural environment. The design of structures and their relationship to the surrounding natural and/or urban character plays a key role in creating the character or identity of a place. The intent of this discussion is to provide guidance regarding compatibility, including reducing negative impacts on adjacent uses and the sensitive siting and design of uses.

## Compatibility Standards

The use of 'Compatibility Standards' addresses the relationship between land uses within the context of an identified "character" of an area. Setting the tone for performance standards, Compatibility Standards say: "You can put your property to the uses permitted under the codes, but you have to be a good neighbor when a less intense use is next door." Because type of land uses is not restricted within character areas, compatibility standards and design guidelines provide the mechanism for the integration of many types of uses that promote beneficial interaction while limiting or mitigating negative impacts. For example, a proposed gas station in a "residential area" would be allowable as long as it met additional or different buffer, lighting, colors, design and landscaping standards; or access and impervious surface regulations than a gas station within a "neighborhood village center." Under the "form" based or character area system, land uses are not prohibited, but either encouraged or discouraged depending on the character area and meeting required performance standards. This approach establishes standards for assuring that neighboring land uses are protected from the negative impacts of new development, without restricting the use of the land itself. Form based codes are not less strict than traditional codes; they regulate issues in a different way, with the ultimate outcome being focused on "what will this look like". Thus, the real emphasis is placed where it needs to be: on urban design, form, and character.

## Character Areas and Development Patterns

There are a variety of ways to achieve the City's vision for the future. From an urban design standpoint, the key is to avoid dispersed development projects that are unrelated to

one another and exist in isolation at random locations without regard to infrastructure investment or planning. Encouraging appropriate development within distinct character areas, incorporating visual, physical, and aesthetic linkages, the City of Rockledge will achieve a sustainable development pattern.

The Comprehensive Plan breaks the City into Planning Districts, which attempts to reflect the existing or desired form, function, and character of that area. The City's stated vision for each area is based on a desired pattern of continued growth that discourages urban sprawl, inefficient use of infrastructure, and land use incompatibility. As the City becomes almost built out, infill development and redevelopment projects will become the development pattern of the future. It will be important to create a proper form for integrating new development into the existing districts and neighborhoods. Therefore, staff is presenting ideas for integrating specific performance criteria that staff, the boards, and City Council can use to evaluate project compatibility.

#### **Characteristic Performance Criteria[01]:**

These "performance criteria are intended to ensure compatible and integrated development within specified areas of the city. Following is an overall description of each criteria.

*Physical Characteristics (what type of uses, where its placed on a site; the physical aspects of a development):*

1. Uses that are encouraged and discouraged
2. Intensity or density of uses
3. Setback (front, rear, side); overall distance from other uses
4. Buffering, separations, use of materials for security or privacy

*Visual and Aesthetic Characteristics (what does it look like; what do you see when you drive by; how does the product affect the sense of place)*

1. Landscaping and visual impact on surrounding neighborhoods
2. Site design (finished materials used)
3. Architectural Compatibility, Scale of Surrounding neighborhoods
4. Height of building to the surrounding neighborhoods

#### **1. Uses that are encouraged and discouraged:**

- a. The city has identified in Appendix A of the Future Land Use Element, the eight planning districts. A sample of this would be Planning District 4: which states the primary use in the district shall be single-family detached dwellings and directly related land uses such as parks, schools, utilities and other such activities which serve the residents of the district. The appropriate zoning districts, without question are PUD, RCE, R1, and R2, all of which promote single-family attached dwellings. The City Council, after due consideration, decided that existing zoning districts were

permitted and zoning districts should be limited to R2A, R3, P1, C1, C1A and C2. Any changes to residential zoning would limit density to 5 dwelling units per acre (d.u.a.) and all undeveloped areas west of Fiske Boulevard would be encouraged to develop at three units per acre. (Did the City change the density standard? In this case, how will you encourage it?) This provision was added because the city knew of the major wetlands on both sides of I-95, associated with the St. Johns River Basin.

- b. Compatibility of zoning categories for encouraged uses in the districts. All zoning categories (PUD, RCE, R1, and R2) having the primary intended use shall have 4 points assigned to the property. Those zoning categories not having the primary use intended and abutting those which have a single-family detached (SFD) zoning shall have a zero ranking. Example: subject property is commercial: the property to the north is SFD, the property to the south SFD, the property to the west SFD and the property to the east is commercial. That property shall have 1 point assigned to it because it has a like use on one side (the one commercial property)
- c. Go back to the Land Use matrix and identify compatible land use, and they would be given a point value of 1. Those needing mitigation would have a value of 0, and all others would not be considered

## **2. Intensity or density of uses**

Intensity of non-residential developments and density limits for residential developments for the City of Rockledge shall be in accordance with the Exhibit titled "Floor Area Ratio Intensity/Density Limits, City of Rockledge." Those mixed developments allowed to have residential and non-residential uses shall use a combination of allowed densities and Floor Area Ratio, allowed by the respective zoning districts will be used to calculate uses separately as percentage of the development requirement then considered as a sum of the percentage, which shall equal one hundred (100) percent.

- a. Residential/Residential density compatibility:

The assignment of densities has been established with each residential zoning code, this is further separated that all single-family detached districts are treated as being compatible. All multi-family districts are treated as being compatible; however, mitigation is required between those two uses. If the single-family district has a density of 5 units per acre and the adjacent property is multi-family having a density of 14 units per acre, then the points established will be 9. If the multi-family has a lower density like 9 and the single family has 5 then the points established will be 4. This will be important when mitigation practices are discussed.

- b. Commercial/Residential intensity compatibility:

(Non-residential) Commercial and residential uses, unless planned in a permitted mixed use project, is seen as often as needing mitigation in order to have it compatible with adjoining residential uses. It is said that commercial will not enter an area unless the rooftops are present. This usually leads to a syndrome known as NIMBY (not in my back yard) which has for years called on the commercial property to provide additional buffering. A sample of these buffering techniques is increased setbacks, building buffer walls to reduce noise and light from the adjoining property and provide a sense of security to the residentially zoned areas. Landscaping requirements are often increased when commercial builds next to residential. Some Planning Districts in the City actually encourage a true mixture of commercial and residential, without buffering, in order to encourage a work where you live environment. To ensure compatibility, the existing buffering requirements for commercial must be enforced or it may be modified in the future.

c. Commercial/Industrial intensity compatibility:

These uses are usually viewed as more compatible. The buffering is usually achieved by hedging and setback distances being enforced.

d. Go back to the Land Use matrix and identify compatible land use, as they would be given a point value of 1. Those needing mitigation would have a value of 0, and all others would not be considered

3. **Setback (front, rear, side)**

- a. The minimum front setback for all compatible projects shall be the same, if adjoining single-family has a 25 foot front setback the adjacent project shall maintain that setback at a minimum.
- b. The minimum rear and side setbacks for all compatible projects requiring mitigation shall be determined by the mitigation compatibility formula, which will be established later in this guideline.

4. **Buffering and privacy**

- a. Typically in-fill projects are one of the last projects built in an existing neighborhood, as residents in an adjoining neighborhood have some expectation of privacy. If existing neighbors have had large trees in their neighbors backyard blocking the morning or evening sun, they would expect those trees to stay and provide those same benefits after the property is developed. These same natural conditions provide havens for birds and other creatures, which the neighbors have thought of enhancing

their quality of life. Consideration should be given to neighbor's views, access to sunlight and privacy. In order to preserve this quality of life, impact to adjacent neighbors the city will require those properties needing compatibility mitigation must first implement an adjacent minimum of a 25-foot natural buffer, which may have some hand clearing if approved by the City of Rockledge. The only structure that can be built in the area is a buffer wall. The applicant of a project may propose additional buffering in order to meet the mitigation guidelines, to be addressed later in this document. The adjacent project should keep the heights of the internal roadway/driveway to that of the public road they will be connecting to, in order to keep clearing of the property to a minimum. Keeping existing landscaping will keep new projects compatible to existing neighborhoods. To ensure privacy, compatibility mitigation measures will incorporate additional proposed landscaping buffering and will incorporate small and medium trees, along with the large trees. The city will also encourage the use of taller buffering walls next to residential zoned property, as a compatibility mitigation enhancement.

**5. Landscaping**

- a. Landscaping provides two key components with the first being to enhance buffering between differing uses. Vegetation of differing heights provides the potential to visually obstruct the views from adjoining properties. The second component allows for visual appeal from the adjoining right-of-way. This landscaping complements the surrounding neighborhoods and establishes a softening effect of larger structures, which usually accompanies commercial or multi-family projects. The city currently requires exterior trees be planted every thirty feet and that a minimum of three species be used on each project. The mitigation compatibility formula will discuss how increased landscaping can be used to have projects compatible to adjoining properties with differing uses.

**6. Site design (finished materials used)**

- a. Site design takes into consideration the needs of the new project while maintaining existing qualities of the adjacent properties and the community. The site design looks at neighborhood views and privacy issues. New development must give careful consideration of the needs of the specific site, such as the natural topography, existing vegetation, street rights-of-way, amount of grading, intensity of use, and the general characteristics of the neighborhood. Finishing materials should be that used in the adjoining neighborhood and the color scheme should compliment the adjoining properties.

**7. Architectural Compatibility, Scale and Building Height of the Surrounding neighborhoods**

- a. Unity is a common architectural element of design such as color, texture, roof lines and detailing that create unity within a district. These design

elements complement and work in harmony with one another to establish a visually compatible and integrated environment. The creation of a unifying design is a key element in the establishment and maintenance of individual identities for post-improved visual districts.

- b. Scale in architecture is relative size. It refers to how we perceive the size of a building element relative to other forms, and to the human body. There are two types of scale: overall scale and human scale.
- c. Overall scale is the legibility of a building from a distance, (e.g. roofline). Human scale is the legibility of elements when one is very close to a building, (e.g. storefront details). Good buildings incorporate both types of scale simultaneously. In keeping with the goals of this manual, human scale will be emphasized. Humans are similar enough in size that dimensions based on the body can be used to establish elements of detail in a building. A place can be measured by our ability to reach out and touch detail and texture.
- d. It is therefore important that up close, buildings possess a level of refinement that is tangible. These details not only provide comfort by allowing one to judge the size of a space, but also give it human scale and intimacy.
- e. Height of the proposed structure may be the most significant visual impact and determinate of the scale of the project. A neighborhood of one and two story structures would assume any in-fill project would be of the same height; however, some differing uses allow greater heights to accommodate increased densities or increased intensities. Increased heights lead to possible privacy impacts to adjoining neighborhoods, which will require compatibility mitigation.
- f. Uses having the same height are more compatible than those having greater elevations. The assignment of heights have been established with each residential zoning code, and this is further separated that all single-family detached districts are treated as being compatible. All multi-family districts are treated as being compatible; however, compatibility mitigation is required between those two uses. If the single-family district has an allowable height of 25 feet and the adjacent property is multi-family having a height of 40 feet, then the points established will be 15. If the multi-family has a lower height like 35 feet and the single family has 25 feet then the points established will be 10. This will be important when mitigation practices are discussed.
- g. Commercial/Residential Height Compatibility, (Non-residential) unless planned in a permitted mixed use project, is seen as often seen as needing mitigation in order to have it consistent with adjoining residential uses. It is said that commercial will not enter an area unless the rooftops are present. This usually leads to a syndrome known as NIMBY (not in my back yard) which has for years called on the commercial property to provide additional buffering. A sample of these buffering techniques is increased setbacks, and buffering walls to reduce noise and light from the adjoining property and provide a sense of security to the residentially

zoned property. Landscaping requirements are often increased when commercial builds next to residential. Some Planning Districts in the City actually encourage a true mixture of commercial and residential, without buffering, in order to encourage a work where you live environment. To ensure compatibility the existing buffering requirements for commercial must be enforced or it may be modified in the future.

- h. Commercial/Industrial Height Compatibility: These uses are usually treated more compatible together than is residential and commercial uses. The buffering is usually achieved by hedging and setback distances being enforced.

## THE LAND USE COMPATIBILITY MATRIX

The Land Use Compatibility Matrix (Figure 1) provides a general evaluation technique to ensure compatibility between different land uses. It does not indicate that certain categories are totally incompatible with certain other categories. The matrix does, however, provide general guidance in evaluating the degree to which mitigation measures may be necessary to ensure compatibility between or among abutting or facing land uses. Specific mitigation measures should be based on site conditions and the nature of both (the use in question and the abutting use(s)). The guidelines contained in the matrix should be consulted in addition to the guidelines contained in the Land Development Regulations.

- Land use classifications in the matrix that are identified as **"Compatible"** are those uses that are – when adjacent – harmonious, similar and consistent with one another. Land use classifications identified as **"Incompatible Except with Mitigation Measures"** will require significant buffering and transitions, depending on the Long-Range Land Use Area and specific land uses. The primary concern, however, is adequate – and sometimes complete – buffering, whether it be distance, undisturbed vegetative buffers, vegetated streams, transportation corridors, man-made barriers, the location of less intense uses at the periphery of the site (if such uses are proposed), or a combination of these measures. Transitions in land uses and/or transitions in density are also warranted at the interfaces of these land use categories. These mitigation measures are of particular concern in each of the unique Planning Districts, with the range of land uses permitted therein.

- Land use classifications identified as **"Incompatible"** should only be located adjacent to each other when extensive and extraordinary mitigating measures can effectively address all compatibility concerns. These mitigation measures are of particular concern when inherently incompatible land uses – such as residential uses and industrial uses – are proposed adjacent to one another.

**"Severe Compatibility and Consistency"** test is met when projects have met the requirements of the mitigation measure standards and design guidelines as noted in this section.

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## COMPATIBILITY MITIGATION GUIDELINES

1. Compatibility mitigation must first address the privacy issue between differing uses, the items to be used in the order shown are:
  - a. As explained in 4 (a), the 25-foot natural buffer.
  - b. The buffer wall and possible height increases.
  - c. Increased landscaping between differing land uses
  - d. Buffering wall along the right-of-way
  - e. Increased landscaping along the right-of-way
  - f. Meet building scale of the properties across any r-o-w and adjacent properties.
  - g. Using common architectural elements of design such as color, texture, roof line, and detailing to create unity within the neighborhood.
2. Compatibility points for mitigation purposes (must use (a) as a minimum).
  - a. 25-foot natural buffer 10 points
  - b. Buffer wall height increase 2 points for every 1 foot
  - c. Increase landscaping along properties having differing uses(must use at least one planting level).
    1. Adding additional medium and small size trees.
      1. Planting every 25 feet 2 points
      2. Planting every 20 feet 3 points
      3. Planting every 15 feet 4 points
      4. Planting every 10 feet 5 points
  - d. Buffering wall along r-o-w 3 points
  - e. Increased landscaping along r-o-w 1 point
  - f. Meet building scale of the properties across any r-o-w and adjacent properties. 1 point
  - g. Using common architectural elements of design such as color, texture, roof line, and detailing to create unity within the neighborhood. 1 point for each attribute used
3. Review and approval of Compatibility Mitigation
  - a. Staff shall be the first to determine the points needed for mitigation purposes and shall work with the applicant to meet the intent of the compatibility guidelines. If the applicant and staff can not meet agree on the preliminary compatibility mitigation plan the matter shall be presented before the Development and Review Committee. If no agreement can be achieved, the site plan and proposals will be sent directly to the Planning Commission and then City Council for final resolution.

# Appendix

## FLOOR AREA RATIO INTENSITY/DENSITY LIMITS

### CITY OF ROCKLEDGE

Zoning Category	Min. lot size sq. ft.	Floor area ratio	Density d.u.a.	Coverage allowed %	Maximum height F.T.
RMU	0	.6 to 1 with bonus***	Up to 25 with bonus	80 to 100 with bonus	110 (with bonuses)
HCD	7,000	1.5	N.A.	90	75, with additional buffering from residential
RCE	43,560	N.A.	1	30	25
R-1	12,000	N.A.	3	30	25
R-2	7,500/10,000	N.A.	5	35	25
R-2A	7,500/10,000	N.A.	8	50	25
R-3	10,000	N.A.	14	50	40
T.H.	2,400	N.A.	10	50	25
M.H.	6,600	N.A.	6	35	20
RVP	435,600	N.A.	15	35	25
P.U.D.	435,600	N.A.	12	35	40
C-1	7,500	0.3	N.A.	80	45
C-1A	174,240	0.3	N.A.	80	75
C-2*	7,000	0.3	14	80	75
P-1	7,000	0.3	N.A.	80	35, 45 in Plan Dist. 3
M-1*	7,000	0.3	14	80	40
M-2*	7,000	0.3	14	80	40
IP	20,000	0.3	N.A.	80	35

\*Property can be developed using FAR, coverage and height or density d.u.a. Floor Area Ratio is used to determine the total structure area of the proposed development (not including retention, parking, or green space) example = A C-2 zoned property having 10,000 s.f. would be allowed a 3,000 s.f. building plus associated retention, parking, and green space, coverage of the entire site would be limited to eighty (80) percent, as the height increases more green space can be added to the overall project.

\*\*\*Light Manufacturing uses limited to .30 FAR

TABLE OF ZONING REGULATIONS

	Front Setback (feet)	Rear Setback (feet)	Side Setback (feet)	Section for More Informat ion	Add More Setback	Density per Acre	Maximu m Building Lot Coverag e (percent)	Lot Area Required	Minimu m Living Area (square feet)	Maximu m Height (feet)	Minimu m Lot Width (feet)	Minimu m Lot Depth (feet)
RCE	50	35	20	62.10	Yes	1	30	1 acre	1,500	25	130	150
R-1	35	30	10	62.20	Yes	3	30	12,000 square feet	1,500	25	80	100
R-2	25	20	10/8	62.30	Yes	5	35	7,500-- 10,000 square feet	1,200	25	70	90
R-2A	25	20	10/8	62.40	Yes	8	50	7,500-- 10,000 square feet	800-- 1,200	25	70	90
R-3	25	20+	10+	62.50	Yes	14	50	10,000 square feet	800-- 1,200	40	100	100
TH	25	25	5+	62.60	Yes	10	50	2,400 square feet	1,000	25	24	90
MH	25	20	7 1/2	62.70	Yes	6+	35	6,000 square feet	1,000	20	60	100
TTP	--	--	--	62.90	Yes	15	--	--	1,500	25	--	--
C-1	25	10+	5+	62.100	Yes	--	80	7,500 square feet	--	45	75	100
C-1A	25	10+	5+	62.110	Yes	--	80	4 acres	--	75	300	125
C-2	25	10+	5+	62.120	Yes	--	80	7,000 square feet	--	75	50	--
P-1	25	10	5	62.130	Yes	--	80	7,000 square feet	--	35	50	--
M-1	20	10	5	62.140	Yes	--	80	7,000 square feet	--	40	50	--
M-2	20	10	5	62.150	Yes	--	80	7,000 square feet	--	40	50	--
IP	50	25	20	62.160	Yes	--	80	20,000 square feet	--	35	100	175
PUD	25	--	--	62.170	Yes	12	25% open space	5,000-- 6,000 square feet	1,200-- 1,300	40	50+	100

These are the general guidelines. Refer to specific sections before applying for permit.

# City of Rockledge Land Use Compatibility Matrix

Land Use	LDR	MDR	COM	INST	HCD	IND	RPP	RPA	RPMU	MUPD5	MUPD6	MUPD7	RMU
Low density residential (LDR)	0	@	@	@	@	*	0	0	0	@	@	@	@
Medium density residential (MDR)	@	0	@	@	@	@	0	0	0	@	@	@	@
Commercial (COM)	@	@	0	@	@	@	0	0	0	@	@	@	@
Institutional (INST)	@	@	@	0	@	*	0	0	0	@	@	@	@
Hospital campus district (HCD)	@	@	@	@	0	*	0	0	0	@	@	@	@
Industrial (IND)	*	@	@	*	*	0	0	0	0	@	@	@	@
Recreational, public passive (RPP)	0	0	0	0	0	0	0	0	0	0	0	0	0
Recreational, public active (RPA)	0	0	0	0	0	0	0	0	0	0	0	0	0
Recreational, public mixed use (RPMU)	0	0	0	0	0	0	0	0	0	0	0	0	0
Mixed use planning district 5 (MUPD5)	@	@	@	@	*	@	0	0	0	0	@	@	@
Mixed use planning district 6 (MUPD6)	@	@	@	@	*	@	0	0	0	@	0	@	@
Mixed use planning district 7 (MUPD7)	@	@	@	@	*	@	0	0	0	@	@	0	*
Redevelopment mixed use district (RMU)	0	0	0	0	0	0	0	0	0	0	@	*	0
Exact Compatibility = 0													
Compatible with Mitigation Measures = @													
Incompatible = *													

# City of Rockledge Land Use Compatibility Matrix

Z O N I N G   D I S T R I C T S	COMPREHENSIVE PLAN DESIGNATIONS										
	Land Use	LDR	MDR	COM	INST	HCD	IND	MUPD5	MUPD6	MUPD7	RMU
	RCE	0	@	@	@	@	*	@	@	@	@
	R-1	0	0	@	@	@	*	@	@	@	@
	R-2	0	0	@	@	@	*	@	@	@	@
	R-2A	@	0	@	0	@	*	@	@	@	@
	R-3	*	0	@	@	0	*	@	@	@	@
	TH	*	0	@	*	*	0	@	@	@	@
	MH	@	0	@	0	0	0	@	@	@	0
	RVP	@	0	@	0	0	0	@	@	@	0
	C1	@	0	0	0	0	0	@	@	@	0
	C2	@	@	0	@	*	@	@	@	@	@
	P1	@	@	0	@	*	@	@	@	@	@
	M1	*	@	@	@	*	0	@	@	0	*
	M2	*	*	@	0	0	0	@	@	*	@
	IP	*	@	@	*	*	0	@	@	@	*
	PUD	0	0	@	@	@	*	@	@	@	@
	RMU	@	@	@	@	@	*	@	@	@	0
	HC	@	@	@	@	@	*	@	@	@	@
	COR	0	0	0	0	0	0	0	0	0	0

Exact Compatibility = 0  
 Compatible with Mitigation Measures = @  
 Incompatible = \*

# City of Rockledge Zoning Compatibility Matrix

Zoning	ZONING DISTRICTS													
	RCE	R-1	R-2	R-2A	R-3	TH	MH	RVP	C1	C1A	C2	P1	M1	M2
RCE	0	0	0	@	@	@	@	@	*	*	*	@	*	*
R-1	0	0	0	@	@	@	@	@	@	@	@	@	@	*
R-2	0	0	0	@	@	@	@	@	@	@	@	@	@	*
R-2A	@	@	@	0	@	@	@	@	@	@	@	@	@	@
R-3	@	@	@	@	0	@	@	@	@	@	@	@	@	@
TH	@	@	@	@	@	0	@	@	@	@	@	@	@	@
MH	@	@	@	0	0	0	0	@	@	@	0	@	@	@
RVP	@	@	@	0	0	0	@	0	@	@	0	@	@	@
C1	*	@	0	0	0	0	@	@	0	@	0	@	@	@
C1A	*	@	@	@	@	@	@	@	@	0	@	@	@	@
C2	*	@	0	@	@	@	@	@	@	@	0	@	@	@
P1	@	@	@	@	@	@	@	@	@	@	@	0	@	@
M1	*	@	@	@	@	0	@	@	@	0	@	@	0	@
M2	*	*	*	0	0	0	@	@	@	@	@	@	@	0
IP	*	*	*	@	@	@	@	@	@	@	@	@	@	@
PUD	0	0	0	@	@	@	@	@	@	@	@	0	@	0
RMU	@	@	@	@	@	@	@	@	@	@	@	@	0	@
HC	@	@	@	@	@	*	@	@	@	@	@	@	@	0
COR	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Exact Compatibility = 0  
 Compatible with Mitigation Measures = @  
 Incompatible = \*



Date: June 16, 2008

To: Rockledge Citizens Advisory Board

From: William M. Young

Re: Comprehensive Plan Modifications

At your May meeting I asked your committee if any member knew why the above referenced matter had been brought before them. The response was that no one knew the reason.

The purpose of this letter is to point out the underlying reason that the attorneys and the residents from Country Club Estates want you to vote in favor of modifying the existing comprehensive plan.

The reason is very simple. They don't want the 12 acres on St. Andrews to be developed as an affordable housing development. To accomplish their goals, the cooperation from this committee as well as the planning commission board and ultimately the city council is necessary.

The property's present R-3 zoning allows for an affordable housing development. Each decision that the city makes to defeat or even delay such a development is an act of blatant discrimination, particularly since the city previously approved an upscale townhouse project that was to be built on the same 12 acres.

I am not the only person that considers these actions as discriminatory. The Department of Justice and HUD have notified me that they are starting an investigation into actions that have recently been taken by the City of Rockledge. They are currently monitoring all of Rockledge public meetings, past and present, to determine if decisions are continuing to be made that result in preventing or delaying the development of badly needed affordable housing.

Affordable housing is desperately needed in Rockledge. It provides housing for many of the very people who work in the city. Efforts to prevent such a development may satisfy a small group of residents but it will be detrimental to the long-term future of Rockledge. **Fair housing is not an option, it's the law.**

I encourage your committee as well as other boards in this city to set aside the interests of a few residents and do what is best for the entire community of Rockledge.

Cc: Rockledge City Council  
Rockledge City Manager  
Rockledge Planning Commission  
Douglas Beam, P.A.  
HUD  
Department of Justice  
Fair Housing Continuum

## PLANNING DISTRICT 4. NORTH/WEST FISKE AREA

### Area objective.

To maintain and improve this area as a low and medium density residential area and insure that future development will not substantially alter or depreciate the existing character of the area.

Type of land use.

1. Development within the district will be limited primarily to single-family detached dwellings and directly related land uses such as parks, schools, utilities, streets and other such activities whose primary purpose is to serve the residents of the district. Zoning districts that may be appropriate for this area after due consideration by the city include: PUD, RCE, R1, and R2.

2. Limited commercial, professional, and multi-family residential uses will be considered in appropriate locations based on severe compatibility and consistency tests. After due consideration by the city other zoning district shall be limited to existing use which range from R2A, R-3, P1, C1, C1A, and C2, which may be changed and approved only if consistent with, and compatible to the intent or criteria of this district. For the purpose of providing for a proper transition of land use and in order to protect the existing low density single-family residential character of the district, future commercial, professional and multi-family development shall not extend westerly from Fiske Boulevard further than the existing building line of adjacent similar uses and/or structures or 600 feet from Fiske Boulevard which ever is less.

3. The city shall undertake steps to develop through an interlocal agreement with Brevard County an urban reserve area which encompasses unincorporated areas adjacent to this district.  
Density.

4. Maximum density allowed shall not exceed five (5) dwelling units per acre; ~~current multi-family zoning districts shall be limited to existing densities.~~ Any proposed zoning district changes shall be limited to a maximum of five (5) dwelling units per acre. Undeveloped areas west of Fiske Boulevard will be encouraged to be developed with a maximum of three (3) dwelling units per acre in order to protect the natural character of the land, except that the maximum allowable density shall be fourteen (14) multi-family dwelling units per acre for the following described property located in planning district 4:

*Parcel A:* A parcel of land lying in Section 5, Township 25 South, Range 36 East, Brevard County, Florida, being more particularly described as

follows: Commence at the Southwest corner of said Section 5, and run North 00°21'30" East, along the West line of said Section, a distance of 315.07 feet to the Northwest corner of ROCKLEDGE COUNTRY CLUB ESTATES, SECTION TWO, as recorded in Plant Book 25, Page 101, of the public records of Brevard County, Florida; thence North 89°21'44" East, along the North line of said subdivision, a distance of 115.02 feet; thence North 00°32'30" East, parallel with said West line of Section 5, a distance of 778.78 feet; then North 89°30'28" East, a distance of 13.37 feet; thence North 20°29'32" West, a distance of 92.95 feet; then South 89°30'28" West, a distance of 130.85 feet; thence North 00°29'32" West, a distance 92.95 feet; thence South 89°30'28" West, a distance of 159.77 feet to a point on the aforesaid East right-of-way line of Clearlake Road; thence South 00°32'32" West, along said right-of-way line, a distance of 1261.41 feet to the Point of Beginning.

*Parcel B:* A parcel of land lying in Section 5, Township 25 South, Range 36 East, Brevard County, Florida, more fully described as follows: Commence at the Southwest corner of said Section 5; thence North 00°32'30" East, along the West line of said Section 5, a distance of 1379.53 feet to a point on the North line of the Southwest 1/4 of the Southwest 1/4 of said Section 5; thence North 89°30'28" East, along said North line of the Southwest 1/4 of the Southwest 1/4, a distance of 219.56 feet to the Point of Beginning of this description; thence North 00°29'32" West, a distance of 197.27 feet; thence North 89°30'20" East, parallel with said North line of the Southwest 1/4 of the Southwest 1/4, a distance of 224.00 feet; thence South 00°29'32" West, parallel with said North line of the Southwest 1/4 of the Southwest 1/4, a distance of 110.00 feet; thence South 00°29'32" East, a distance of 85.27 feet to an intersection with said North line of the Southwest 1/4 of the Southwest 1/4 of Section 5; thence South 89°30'28" West, along said North line of the Southwest 1/4 of the Southwest 1/4 of said Section 5, a distance of 114.00 feet to the Point of Beginning of this description.

*Parcel C:* A parcel of land (Rockledge Villas) lying from the Southeast corner of the Southeast 1/4 of the Northwest 1/4 of Section 5, Township 25 South, Range 36 East, run North 0 Degrees 10'30" East 116.58 feet along the East line of the said Southeast 1/4 of the Northwest 1/4 to a concrete monument; thence run North 89 Degrees 20'12" East, a distance of 1295.01 feet to an iron pin; thence run South 0 Degrees 07'28" East, a distance of 60.0 feet to a concrete monument at the intersection of the Southerly right of way line of St. Andrews Drive and the Westerly of right of way line of Fiske Boulevard, as shown on the plat of Rockledge Country Club Estates, as Recorded in Plat Book 17, Page 94, Public Records of Brevard County Florida; said intersection and concrete monument being the point of beginning; thence run South 89 Degrees 20'12" West a distance of 636 feet along the aforesaid Southerly

right of way line of St. Andrews Drive to an iron pin; thence run South 0 Degrees 39'48" East a distance of 260 feet to an iron pin; thence run North 89 Degrees 20'12" East a distance of 240.95 feet to an iron pin; thence run South 45 Degrees 18'09" East a distance of 271.52 feet to an iron pin; thence run South 0 Degrees 07'28" East 180.90 feet to an iron pin; thence run North 89 Degrees 52'32" East a distance of 200 feet to an iron pin on the aforementioned Westerly right of way line of Fiske Boulevard; thence run along the said Westerly right of way line of Fiske Boulevard North 0 Degrees 07'28" West a distance of 636 feet to the Point of Beginning, all lying and being in the City of Rockledge, Brevard County, Florida.

Compatibility.

5. Scale (height and floor area), materials, setbacks and depth of existing buildings and uses, building orientation, signing, landscaping, detailing, and other physical features that are compatible with the intent to maintain the residential character of this district shall be incorporated in any new development.

6. Adequate vegetation constructed (fences, walls, berms, etc.) buffers and/or open space will be used between different land uses. Special features to accomplish appropriate compatibility of new development with existing development shall be required through the land development regulations when the need has been identified through the site plan review process.

7. Encourage neighborhood commercial development on the lots fronting on Poinsett Drive between Fiske Boulevard and Howard Street.  
Transportation.

8. The transportation system will be maintained in accordance with the policies contained in the traffic circulation element.

9. Provisions for pedestrian and bicycle improvements as addressed in the traffic circulation element will be incorporated into any new development.

10. Adequate access for sanitation, police, fire, and rescue vehicles will be provided by all new development.

Conservation.

11. The city shall undertake efforts to work with Brevard County, Department of Environmental Protection, Army Corp. of Engineers and

St. Johns River Water Management District in preserving those wetland areas west of Fiske Boulevard.  
Recreation and open space.

12. Consistent with policies of the open space and recreation element, the city shall make all efforts to combine all projects to incorporate passive or active recreational activities, whenever possible.